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THE
AMERICAN HISTORICAL
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Volume I]

October, 1895

[Number 1



A. 20123.

The

American Historical Review

HISTORY AND DEMOCRACY

MANY careful students of modern life assert that they discern in society a widespread discontent with the results of historical study as pursued to-day. Assuming this feeling to be well founded, they attribute the supposed feebleness of contemporary historical writing to these causes: an unscientific method, the necessary complexity of the subject, and the incapacity of democracies to develop the imagination, either scientific or literary. The truth or untruth of this charge may well engage the attention, both of those who have devoted their lives to historical study and of those who scan the past either for a better understanding of present conditions or for guidance in the future. It may be impossible to refute it absolutely, for we shall be known as we are only after a lapse of time sufficient to secure historical perspective, but there are many weighty considerations which seem to make its validity very doubtful.

The real merit of the evolutionary philosophy which has captured the thought of our day lies in the fact that it has made possible a science of the humanities. Claiming to distinguish sharply between the knowable and the unknowable, the physical and the metaphysical, the natural and the supernatural, it set to work on the inductive method to examine knowable, physical, and natural phenomena by the senses, and to generalize about them by the reason. As is usually the case, it was the unexpected which happened. The so-called laws of nature demanded for their apprehension not merely a notion of uniformity, but a conception of unity so far-reaching that its limits have not yet been found, while at the same time the fundamental ideas of the physical philosopher, without which his theories are vain and his reason misleading, turn out to be metaphysical in the highest

degree, as, for example, the vortex theory in physics, the stereometric chemistry, the reversing dimension in mathematics, and most of the very recent foundation concepts of biology.

On the other hand, identical methods of investigation concerning man, both the race and the individual, began to display possibilities in the orderly arrangement of our knowledge concerning his motives and conduct of which we had hitherto not dreamed. The chance element in human affairs dependent upon the supposed fickleness of the personal will seemed to grow less and less important; and finally the antinomy between liberty and necessity, freedom of choice and the fixity of scientific fact, has ceased to engage the attention of moralists and historians to the exclusion of other important considerations. In the study of the race as a whole, and even of the individual, they have found a broad field within which to work unhampered by undue regard for metaphysics. Paradoxical as it appears, the sciences of man's nature have for a generation past been growing more and more physical, just in proportion as the other sciences have been growing metaphysical; until while the former do not as yet claim to be exact, and do not venture the test of prediction, they nevertheless assert that they are sciences real and practical.

While this is true in a very high degree of jurisprudence, of political science, and of sociology, it is especially true of history. The doctrine of the unity of history has not merely been rehabilitated, but it has been so emphasized that the consequences are simply revolutionary, scientific methods having by its means been introduced into a discipline hitherto venerated as the highest department of prose literature, to be sure, but esteemed by the great critics, and by mankind generally, as on the whole vague and imaginative, as being a picture of the writer's own mind rather than a presentation of facts in an external world, and of reliable deductions from them. Most of us have read with profound sympathy Kant's plaintive call, in view of "the circumstantiality of history as now written," for a "philosophical head deeply versed in history," to point out for posterity "what nations or governments may have performed or spoiled in a cosmopolitical view." The efforts made by such heads to prove and display the unity of history have resulted in just what he longed for,—short treatises on general history which fix with sufficient accuracy the real landmarks of all time, and exhibit them in their proper proportions as to the ascent of man "in a cosmopolitical view." This has not been done very successfully in Kant's own country; for the general histories undertaken or completed in Germany are

either laid out on a scale proportionate to the German mind and no other, or else, like Hegel's, they exhibit nature as having been solely concerned throughout the ages with a plan to bring forth in the fulness of time the Prussian monarchy and the German Empire. But the task of generalization has been done, and that successfully, both in England and in the United States; and, with some brilliancy, even in France, where a concept of that great nation as being, after all, but a single factor in the advance of civilization has finally been accepted. Doubtless the patriotism of any general historian will cause him vigorously to emphasize the importance of his own land in the comprehensive scheme, but to accept the doctrine of the unity of history is already to admit that no country is more than one wheel in the series which moves the hands on the dial-plate of human progress.

The croakers have been saying that indulgence in generalizations must necessarily destroy thoroughness in detail; and the effort is constantly making to discredit the new turn of historical studies by the prophecy that it must result in superficiality. Thus far, at least, the facts all point the other way. Thoroughness has increased in direct ratio with the expansion of the historical horizon. All the sciences of man, whether physical or ethical, have been advanced with a passionate zeal, equal to, if not greater than, that of investigators in the material world, and by the same methods as theirs. Anthropology, mythology, archæology, physical geography, philology, psychology, and all their sisters, each in its own subdivisions, have been attacking and pursuing their various problems by the inductive and comparative method, and with vastly inferior money resources have outstripped in the importance of their results the richly and even lavishly endowed natural sciences. If we remember that our grandfathers had no other general history than that of Rollin, written before the middle of the eighteenth century, and consequently knew the whole field of secular history as divided into Ancient or Græco-Roman, Mediæval, and Modern, each period separated from the other by a great chasm, we shall at once recollect that, thanks to the spade and the science of comparative philology, we have now in Prehistoric Archæology and in Ancient Oriental History two entirely new epochs in the story of man from which the most precious information as to his origin and early advances has been derived. At the same time we have laid the contemporary savage under contribution, and from him we have wrenched details for comparison with early institutions in regard to custom, myth, and social organization which seem likely to be of the first importance. The notion of

chasms has disappeared, and the continuity of history has been established.

But this is not all. Within the strictly limited field of history proper we have revolutionized the whole method of investigation in that we no longer study nations, but epochs. Middle-aged and older men will remember with some amusement the amazing historical charts which used to adorn the walls of schoolrooms, and resembled nothing so much as rainbow-colored rivers vaguely rising at the top, and wandering in viscid streams more or less vertically, according to the law of gravitation or the resistance of the medium, until absorbed one by the other, or lost in the ferule at the bottom. We rule our charts differently now; by straight horizontal lines, nearer or farther apart according to the period of general history with which we are concerned. The great stream is monotone, though not monotonous; and if it be but a single year that we study, we investigate it clear across, from where it scours the channel toward both shores, including even the annals of semi-civilized and barbarous peoples, so far as they seem to affect the current or the eddies. We have found the movement of the race more majestic than that of nations or individuals, the interest in man more intense than that in men or persons, and the development of civilization more instructive than the achievements of heroes. This is true, of course, not so much for the general reader as for students of history. The latter, speaking from their personal experiences, will probably agree that the tremendous revival of interest in history is not so much a revival of interest in historical narrative as in historical study. No university class-rooms are more thronged than those where instruction in history is given; and this is equally as true of those which are concerned with the minute, painstaking study of details in a short epoch as it is of those which seek to impart philosophical or general ideas of method, and stimulate to investigation by laying down broad principles of procedure.

Confessedly, the greatest master of history, equally great as investigator, critic, and writer, was Thucydides. And yet it has frequently and justly been remarked that his narrative has steadily lost in general importance and interest until now he is comprehensible and entertaining only for the scholar. This means that to be appreciated he must be read and considered from his own standpoint and in regard to his own times. None but the scholar can transfer himself to an epoch so remote. It would be an insoluble puzzle to the most intelligent modern reader to find in the pages of so renowned an historical work no mention of the great con-

temporary poets, architects, sculptors, or philosophers, but to have the entire artistic, philosophical, and literary movement of the time—a movement unique in the history of the world—summed up in the passing phrase that the works of men's hands seen by the Athenian were such that "the daily delight of them banishes gloom." It would be equally surprising to the same reader to learn that the speeches which constitute between a fifth part and a quarter of the whole text were never spoken by their reputed authors, but were the composition of the historian himself. These paradoxes the classical scholar can perfectly explain, but the historical scholar, and still more the reader of history, must recognize in them the immense change which has come over the character of history. The student of Thucydides as a craftsman will, however, find in him the whole of modern historical science. The idea of the permanency of his results contained in his famous phrase *κτῆμα ἐς αἰὲν* is carefully founded on four claims: the strict truth of his facts as determined either by personal observation or by the searching criticism of statements made by eye-witnesses; his theme as sufficiently important to affect all nations—whether city states or barbaric empires; the fact that his book was composed and not compiled; the persistent identity of human nature in all ages. Put in another way, these ideas are: scrupulous attention to truth; in an epoch of general history; with a unity of spirit and purpose; and with regard to the human spirit as being always the same, or substantially so.

If, then, every one of our vaunted positions was forestalled twenty-three centuries ago, what is new in the modern science of history? The answer is plain,—the application of them to new knowledge under changed conditions. History will not stay written. Every age demands a history written from its own standpoint,—with reference to its own social condition, its thought, its beliefs, and its acquisitions,—and therefore comprehensible to the men who live in it. Truth, justice, honor, the great principles of human association, have not changed, but man's apprehension of them has steadily grown clearer as his determination to live up to them has grown stronger, and as the individual has become ever more conscious of his powers, both physical and intellectual. For this reason, the seat of sovereign power is never the same in two successive states of society. At the dawn of history, man was the bond-slave of a vague but extensive kinship,—the gens or clan or tribe or city-community; his story has been one of slow and steady approach to an emancipation from the despotism of all kinship except that of the normal monogamous fam-

ily by which the human species is best propagated and without the institution of which it reverts to the level of the brute. Power has been exercised successively or intermittently by patriarchal, theocratic, military, or dynastic sanction until in these last days it is resident in the associated masses of men constituting what we call nations and is imperfectly, though imperiously, expressed by the behests of majorities. These we obey because of an instinctive conviction that with the advance of education and the spread of knowledge there has been a more or less perfect grasp of truth by an ever-increasing number of human beings, until now the majority is likely, in the long run, to decide upon any public question more correctly than the minority. The latter, when oppressed, have always by common consent the indefeasible right to turn themselves into a majority by the agitation of their principles.

Since, then, the individual and the nation interact more rapidly and completely one upon the other than ever before, the facts of their interaction become more numerous and its forms more complex, until contemporary history is apparently the most complex conceivable. If, as we generally admit, the more complex organism is the higher, and progress an advance from simplicity to complexity, this result is a very desirable one and deserves to be described with minuteness and eloquence. Mere political history, for example, will no longer suffice for a public hungering after information. The social, industrial, commercial, æsthetic, religious, and moral conditions of the common man are so determinative in our modern life that we now demand some account of them from the history of every period, in order that we may have clear notions of their genesis and development in the past for our guidance in the present. And inasmuch as they so sensibly affect our own politics, we expect the historian to explain how they affected past politics, — being loath to believe that they were as unimportant as the tenor of histories written in the past would seem to indicate. This demand is not altogether intelligent, for the complexity may be only apparent. The continuity of race-life, the persistence of its characteristics, the vigor and vitality of the "stirp," to use Galton's phrase, have become increasingly evident. The stream, flowing beneath the surface like a sunken rill, wells up from time to time, mingling in one place with mould and loam to moisten and invigorate a productive soil; in another, boiling between the fissures of the rock as a crystal spring to refresh the traveller; in another, losing itself amid shifting grains of obdurate minerals to create a dangerous quicksand, or, again,

soaking some bed of dying vegetation to breed miasms and engender the deceitful swamp lights. But the quality and substance of the undercurrent are identical in each case, the action of environment producing the widely different results. Of course every metaphor halts; for in the case of race-life, the same vital power or plasm is transferred, apparently without hurt, through the channel of generations temporarily dwarfed or crippled, to reappear with all its pristine strength and goodness in a later generation more favorably placed amid normal external influences. Not to make invidious mention of any single instance, every reader will recall certain well-known convict colonies established several generations ago in different parts of the world which are now thriving, wholesome societies. If this conception be true, history, as the record of a continuous race-life, not only may, but must, concern itself with enduring essentials rather than with temporary incidentals, in which case it will become with time more and more simple, as well as more and more unitary.

Another proof of how dangerous is the effort to meet the general unintelligent expectation of complex detail in historical writing will be found in the analytical study of history as composed by the great masters of the past. We are often interested though not instructed by those who in our day seek to meet this expectation, as we observe their struggles to fit present terms to bygone conditions. Their predecessors took a course directly the opposite; for when they felt an incongruity between current language and old ideas, they sought for new forms of expression, or even omitted matters only partially relevant, rather than mention them under the load of reservation necessary to prevent misunderstanding. They knew that masses of verbiage give undue prominence to the underlying idea, however much the writer may disclaim his intention to do so. It is a very significant fact of the historical record that we can in many cases actually distinguish successive states of society one from the other by examining the historian's theme and his treatment of it, studying the characteristic terms he employs for his purposes. Thucydides almost created a new language, and he mentions the chryselephantine statue of Athene only to say that it contained gold which might be useful for the expenses of warfare in case of need, the Parthenon only as having absorbed sums which would otherwise have been available for the same purpose. We are not to suppose that the historian was insensible to the beauty either of sculpture or of architecture, but we are to conclude that the wholesome and spontaneous æstheticism of Greek life was a very minor consideration when

the state was in danger, when the prestige of Athens was jeopardized, or when the historian had in mind to record a movement as far-reaching in its political influence as the Peloponnesian war. In other words we may thus estimate the proportionate value of politics and æsthetics in Athens at the time of Pericles, we may distinguish the greatness of the matter in the self-denial which kept Thucydides to a single theme, but we may not mark him down as a clod, unable to appreciate those objects of perfect beauty, the mere crumbling remnants of which move us to ecstasy. J. R. Green once said jokingly to Freeman : " You are neither religious, literary, nor social." In precisely the same way it could be said of Thucydides that he was neither religious, literary, social, nor æsthetic, if he be judged from the space given in his works to the descriptive treatment of those themes. But in no sense could it be said of him that he did not take into account their influence in political history.

This illustration is perhaps somewhat overweighted, but it will serve to accentuate a truth, that in the state whose free elements formed a society the most elaborately democratic so far known, it did not appear essential to the greatest historical critic who has ever lived that even the most striking unpolitical features of public and private life should be interwoven with his narrative. A similar conclusion might be drawn from the pages of Tacitus, or even of Gibbon and Montesquieu. The lesson of all this for us is that we must not go too far in yielding to a popular clamor, nor admit that the weight of the individual in modern life entitles his occupations and beliefs to more than a certain moderate share in the story of the organism to which he belongs. We are too apt to regard the study of institutions, of religion, of economics, and of art as being history itself, instead of taking their results as the material of history. This distinction is a very nice one, and difficult to draw in practice. But surely it can be done by those who are equipped for the task of writing real history. Such authors will keep the emphasis on the state and on the organs by which it nourishes and prolongs its life; on its instruments of self-protection and the use made of them; on the features of its identity and the inter-relation of its personality with individual men and with other states; on its conduct in peace and war and the principles which guide it; or in more technical phrase on government and administration, on diplomacy and international relations. In biography we are, as is entirely right, chiefly concerned with the personality of the man and his relations with other men; we are but incidentally concerned with his daily food,

his seasonable clothing, his medicines, his bodily characteristics, or the habits which build up his frame; we are somewhat more concerned with his beliefs, his education, his instincts, but of these we judge by his conduct more than by his opportunities or by his statements. While all analogy between the organic life of the state and the organic life of man is highly dangerous, yet in this one respect we may note that, as in the case of the man behavior is the essential thing, so the conduct of the state, which expresses the resultant life of those who compose it, is the essential matter of history.

This brings us to a thought which must be emphasized in the interest of historical studies in America, the conviction that the use of complex materials in history as now written and the consequent discursiveness of its style, both resulting so often in length, dulness, and obscurity, are in no sense due to the prevalence of democracy as the governmental form of civilized nations. This opinion has been so often reiterated that it has come to be extensively admitted as a fact. It is said that literature has been sacrificed on the altar of science, that the imagination has been eclipsed by facts, and that interest has been immolated before the Moloch of details. Instances like that of the poet Heine have been potent in the support of this conclusion. Beginning as the fierce protagonist of freedom in religion and politics, he continued long in the career of a radical agitator. But he came to believe at last that democracy must necessarily abandon beauty for utility, the poetry of life for material comfort, and must quench all artistic aspiration in the interest of equality and fraternity. In the end, therefore, he apostatized, burned his polemic verses, tore down the shrines he had erected to his revolutionary divinities, parted from Pantheism and his Pagan gods alike, and then in the interest of personality, without which there can be no human will and consequently no poetry, made his peace with the Almighty, resigned himself, and died.

But we venture to think that Heine's temporary malady was essentially European, and not cosmopolitan. The thought of his time, as of the present day among the scholars of the continent, displays an intense weariness of the past, a yearning to be rid of the old failures and to try new experiments. Quite the contrary is characteristic of America, which, though neither optimistic nor pessimistic, is essentially conservative and melioristic. The democracy of Europe is young, radical, and fierce, that of English America, though determined, has the modesty of long experience. The two are antipodal, and the evidence of this is conclusive

wherever they are brought into juxtaposition, as they are so constantly on our own shores. Radical democracy in any degree will of course level down and not up, and so destroy all greatness both in the making and in the writing of history. No tranquillity can be found by those who possess power either in its abandonment as an act of self-abnegation or in its compulsory surrender to sheer numbers. The experiment has often been tried and found a failure. Judging human nature from what it has always been, such a dead level of mediocrity as the radical democrat yearns for will be just as impossible in the future as would be, let us say, that abolition of all authority, concerning which anarchists vapor and dream. There will always be rulers and ruled at least, and that relation in itself promises a sufficient inequality for the literary element in true history. Even if eminence go no further than the temporary tossings of the sea waves, which fall back to their level when the storm is over and gone, may we not remember that nothing has more constantly or permanently aroused the human imagination than the great plain of the ocean? Viewed from the standpoint either of the individual atoms or of the great mass itself, an orderly modern democracy can now, as it has done before, furnish abundant room for the play of talent, if it exists, either in the practical statesmanship of its own age, or in the investigation of the states and statesmen of other ages.

It must be confessed that on the whole the imaginative literature of the United States, like its creative art, has not been either very abundant or strikingly original. But the American people have been otherwise engaged than in enjoying lettered ease. They have been prolific in discoveries by natural science and in inventions, successful in the management of their external and internal affairs, and at the same time have worked out reforms of the first magnitude in evils which were their birth portion. When the ability which has hitherto been concerned with material things, in making homes, establishing fortunes, securing educational facilities and creating a well-ordered society, when this power and zeal are turned toward the things of the spirit, as with the advance of time they must be, then if we fail we may lament our barrenness; but until then we have faith in Providence and dare to be hopeful. In one department of literature, moreover, and that the highest form of prose composition, we have already been eminently successful: to wit, in the writing of history. This was because there were appreciative readers; a fact due to what would *a priori* be least expected from a democracy, the sentimental fondness of the masses for great

men and great deeds, and a desire to be acquainted with details concerning both. Precisely because of the complete civil and political equality which exists among us we have dared to develop aristocracy in governmental forms, to emphasize without danger to our institutions, political, social, intellectual, and even moneyed inequality, to become a nation of passionate hero-worshippers. Incidentally it may be remarked that although in all this there may have been no direct danger to our institutions there has been some menace to our morality. We have set such a premium on energy, merely as energy, that we too often condone its use of immoral means. But our main consideration is after all strengthened by this very consideration, namely, that our democracy, as far as it has gone, has done its share in the world's writing of history, and that it has furnished, as it probably will continue to furnish, most abundant material of every variety in the making of history.

Nothing is so much needed in a headstrong, self-reliant, and self-conscious people like ourselves as to explain and emphasize the proper dimensions of our national history, and to understand our proportionate share in general history. Viewed from one standpoint we are very young, our story is very short and our importance in the great world-drama is very recent. To the continental European, the man of the masses, we are an overgrown, childish, and turbulent land, mainly populated by unintelligent emigrants from Ireland, Germany, and Italy, who are in part criminals, in part malcontents, and in part adventurers: we are devoid of historic sense, as we are without historic continuity; entirely absorbed in money getting, utterly material in our politics, and successful only because our country has a fertile soil and is rich in minerals, besides being so enormous that as yet we not only have not solved but are entirely unfamiliar with any of the terrible social problems arising from overgrown or congested population. This opinion has been carefully created in many lands by the public press, is more or less fostered even in universities, and is not entirely absent in the intelligent and ruling classes. It exists because there is a reason for it. We are, in fact, constantly pleading both our youth and our isolation for all sorts of preposterous experiments in finance, in society, and in politics, and we are taken at our word. It is the fashionable and successful jargon of the stump-speaker to decry the experience of other worlds and other times as having no value for us. We are nearly swamped in certain great cities by the sludge thrown upon our shores from the governments of Europe, in the shape of the shiftless, stupid, and, too often, crim-

inal elements of their populations, who are either fugitives from justice, or else are encouraged by the authorities of the countries that produced them to go into exile as the simplest means of ridance. Publicity is essential to purity in a democratic government, and these characteristics of our life are much bruited, while the currents of agitation and sanitation set in motion to counteract the evils pass unnoticed beneath the surface.

But there is also a scholarly as well as a popular view of American history from the European standpoint, which regards it as proportionately short and narrow. As it is often expressed in Germany, France, and England, though not frequently published in serious works, we are a part of England switched off. The siding is not long and does not bid fair to be lengthened; or, to change the metaphor, we illustrate what biologists call arrested development. Starting with the society, religion, and politics of eighteenth-century England, we adapted her constitution by slight changes to state democracy and to a national federal system — there, according to this view, we stopped: our land-laws and methods of administration, urban and rural, are as we took them, our faiths have been preserved with ultra-conservatism, our language is eighteenth-century English, our literature is a faint, distorted reflection of successive stages in English literary development; our art and dress are borrowed from France, our science and educational systems are appropriated from Germany, but not assimilated. This view, in short, charges us with having remained colonial, if not parochial. It is held by them that taunt us with not belonging to the family of nations. We have, as they think, buried our human talent, struggling only to retain what we have, or to get what we can without risk; our concerns are entirely with ourselves, with our own comfort and luxury, with our own peace of mind and ease of conscience. We have, they assert, no external relations as a nation, because we have no high principle based on experience which we care to defend. Because we refuse to take the heavy burden on our shoulders of costly armaments for preserving and spreading civilization, we can have little pride in our own advance, little faith in the superiority of our living. Our politics are purely commercial, our public interests those of tradesmen, our policy to borrow in gold and pay in silver at an arbitrary valuation. We are conservative in religion, because it is comfortable to be so; we are not inquisitive doubters with sore and quickened consciences, because we are afraid to face the consequences of investigation. In short, we are like the Sidonians, dwelling careless, quiet, and secure as regards the great moral and intellec-

tual struggles of the world at large. That there is some truth in this view no serious American, who has held up the mirror to his land and age, can deny.

In all probability it will be admitted by the well-informed and studious among us that, owing to the circumstances of our origin, we have been disposed in controversy to lay too much stress on theory and too little on experience. We were hard-pressed when we forswore allegiance to the English Parliament but admitted fealty to the English crown, when we abandoned the position of basing our liberties on charter grants and appealed to our rights as Englishmen, when we substituted for the cry of "no representation, no taxation," that of "no representation, no legislation," when we based the legitimacy of revolutionary state conventions upon the authorization of an irregular continental congress, and when finally we appealed to the sympathy of the world and the judgment of the God of battles. The French alliance and our temporary bitterness toward the motherland made us fond of France as of a generous sympathetic ally, but it may later have made us too familiar with the wire-drawn speculations of the eighteenth century and we were probably too receptive to the radicalism of the French Revolution when we saw how England stubbornly repelled even the constructive and righteous elements in that movement. Our historical teachers may have sat too long at the feet of German Gamaliels, imbibing too much dangerous doctrine concerning the sanctity of authority as established; as a people we certainly have come to emphasize unduly the organic character of government, to overestimate the systematic nature of political science, political economy, and jurisprudence, and as a consequence to consider the state as an organism existing only to secure purely economic interests. It seems, too, that public opinion often substitutes legality for morality and accepts expediency in place of rectitude. Like Achan, we have from motives of selfishness concealed the spoils of the Philistines in the tents of Judah, involving the children in the retribution visited on the fathers. It is no excuse to plead that as a nation we are in this respect but one among many sinners, that it is human for the administrator to lay hold on the easy theories of so-called political science, for a struggling people to admire the sounding phrases of state-craft: the lessons of history are recondite and the commandments of political experience are hard.

Whatever truth may lie in the indictments brought against us ought to be taken to heart, not in the spirit of sensitiveness, but in one of earnest purpose to weigh the possibilities of reform for

our own and for righteousness' sake. We can well afford to be indifferent to allegations either captious or based on ignorance, and certain charges may be brushed away without ceremony. We are not isolated. The ocean is now less of a barrier at the worst seasons of the year than some of our great rivers were in mid-winter a century ago; we are in quicker, easier communication with Europe than the nations of that continent were with each other three generations since. We ourselves make use of the means of intercourse and travel to a degree that gives uneasiness to American chauvinists, while others come to us, not in proportion as we go to them, but at least in sufficient numbers to awaken interest and to spread abroad such fame as we have beyond the seas. Nor can we justly be charged with unreceptiveness. We are much troubled with a conceit which sometimes makes us appear averse to using foreign ideas, but we have none of that hurt and fiery national pride or of that stolid self-satisfaction which embitter the relations of European nations to each other. At heart our motto is: "Get the Best," and, instead of feeling ashamed of the charge of eclecticism, there is nothing of which we should be prouder than of the desire to get and keep anything good for us, no difference what its origin. Mixed races and mixed civilizations have been the most persistent in the history of man. It is a great mistake to suppose that there can be nothing American except it originate from Anglo-Saxon sources on the soil of the United States. There are men on every part of the globe and ideas in every land that are American in the high sense which we should like to attach to that word. This fact has been fairly well understood, for our history has not been one of origins, but exactly the contrary. No movement with the sententious but false cry of America for the Americans has ever been successful among us. Wise as the forefathers were to generalize from experience, the sons have erected with equal wisdom on their foundation a proud superstructure built of materials more stubborn and heterogeneous than any the founders had to handle, and have devised for the new nation a plan so generous and commodious that it is not likely to be carried to completion for ages to come. To say that we are unwilling to suffer for ideas and indifferent as to the spread of our civilization is amusing. The maps of 1756, when compared with those of 1895, will show what proportion of the earth's surface we have pre-empted for our civilization in something more than a century and a quarter, and it can be asserted without fear of contradiction that more men of Anglo-Saxon blood have perished in battle for a principle in the single county of Spottsylvania, in Virginia, than England

has lost up to this moment in all the conflicts of her foreign wars.

What, therefore, the historic movement of our democracy may be thought to lack in duration finds ample compensation in intensity. But we must go still further and declare the common admission that it lacks in duration to be both cowardly and dangerous. The civilization of the United States is not an early-ripe one, verging to decay before reaching normal maturity. We are Europeans of ancient stock, and a change of skies did not involve a new physical birth for our society. Doubtless, environment modified our development, but the well-ordered, serious life which we brought with us from England, Scotland, Ireland, Holland, Germany, and France we have preserved and developed, at least as well as those who stayed at home. But we have done far more. Having created a set of distinctively American institutions, we have enlarged and strengthened them for the purposes of millions to whom they were originally foreign, and have already secured for constitutional government a longer life and greater comprehensiveness than it has had in any other country except England. The dreadful system of African slavery which came with us from the Europe of a mercenary and mercantile age, we have painfully destroyed, although we wrestle still with the race problems entailed upon us by its creation and abolition. We have settled at great cost of life and money one of the fundamental questions which the founders left open,—that of extreme states' rights. We have ploughed under and assimilated successive deposits of foreign immigrations, and have rendered them as beneficent as those made on Egypt's soil by the inundations of the Nile, feeling ourselves the stronger for their fertility and strength. In this progress, we have not been like a mariner afloat with a compass; we have, rather, been like the explorer of the wilderness, who, while he presses forward, is ever turning to observe the landmarks behind him in order to direct his course by fixing a line from which he must not deviate. To this, and to this alone, we owe the measure of success we have enjoyed. We have been historic in a double sense,—not merely by the long duration of our colonial and separate existence, but, in spite of assertions to the contrary, by the careful attention we have given to the past. The most numerous and important of our institutions, being based on experience, have endured, the few and unessential ones which were founded in theory have fallen into disuse.

It seems to be the opinion of the keenest observers beyond the Atlantic that the old world of to-day is weary of the past.

The movements of the hour in Europe claim for themselves independence, long-used models are rejected, and the modern age sets up its own ideals. Some of those most thoroughly versed in history — Grimm, the great art-historian, for example — confess their disappointment at the emptiness of historical study, demanding both comfort and guidance, not from the past but from the present, finding grounds for hope only in the possibilities of the future. And, what is even more instructive, the public of these critics displays no amazement. It was the stock criticism of European newspapers during the Chicago exposition that its buildings and general effect were neither original nor modern. The architecture, they confessed, was beautiful, and the arrangement admirable, but the models were classical, the style European, the aim historic. This they declared was disappointing, — the close of the nineteenth century in the most modern of all countries should have produced something not hitherto seen, should have used steel construction boldly and without the concealment of stucco, and it should have devised suitable architectural forms of beauty to display the American spirit, if such a thing there be. It was thought that in this respect our efforts compared unfavorably with those made in the previous world's fair at Paris. The European yearning for modernity and futurity hinted at by these illustrations could be further traced in the art and literature of the "decadence," in the daring socialistic legislation of France and Germany, and in many other directions. This tendency from experience towards theory, from adaptation towards experiment, from progress on traditional lines to advance on untried paths, is in no sense characteristic of America, as yet. The easy circulation of ideas throughout the globe may bring it hither, but if it comes or when it comes, and a conservative democracy guiding itself by the lights of history is transmuted into a radical ochlocracy moving by impulse or steering by wreckers' beacons, then, as it takes no prophetic gift to foretell, we shall have anarchy and ruin.

History, we may rest assured, is none the less history because it is scientific or democratic. But, in an age that is both, the character of it will be of necessity somewhat different from what it was in the days which were imaginative and aristocratic or absolutist. If this be admitted, the final question naturally arises, — whether it will continue to be literary in the old or in any sense. Must the bark of literary history be moored to shores from which the waters are receding and, sinking into the ooze, lie forgotten for ages, until disinterred like a Viking ship and preserved as an archæological curiosity; or may it follow the channel

of human life into the new lands whither the stream winds its course? To this question, the answer must be both theoretical and historical. Theoretically considered, the reply will be affirmative; for, after twenty-four centuries, we have no reason to question the validity of the Greek historian's opinion that human nature will remain identical (or nearly so) with what it has always been. There will be, we may suppose, the two sorts of historical writing known in his time,—compilation and composition. It does not seem, after examining, contrasting, and comparing the Athenian with the American democracy, as if the proportion of compilers to authors were any greater now than then, the former useful class being in both places overwhelmingly in the majority. The highest form of literary, as it is of historical, criticism is to separate the permanent from the transitory in its own age. Compared with that, the appreciation of what has stood the test of time is child's play, however difficult the adequate and judicious appropriation of the past may be. Investigation, though absolutely essential, resembles the work of the quarryman whose blocks of stone are as enduring as the inert hills, and exactly for the same reason. But the use of the blocks by the artist is quite another matter. To imagine a plan, to inspire it with genius, to adapt the means to the end, to compel unity and harmony,—this is the work of the maker, the composer, the poet. No age has been without such creators, and although, like the stars, they differ one from another in glory, yet we may be sure that in our time there are at least minor historians in the best sense and luminaries of the first magnitude also, if only our critical judgment can distinguish them.

Even if we were to admit for the sake of discussion, as we should be unwilling to admit for any other reason, that the materials of history as once written, kings, courts, and battles, were more interesting in themselves than presidents, parliaments, and social conditions, yet still the most modest truth is not destitute of interest, especially when it is the truth about men. It is this which Cervantes thought made all history sacred, truth in some degree being essential to it, *y donde está la verdad, está Dios en quanto á verdad*. We are accustomed to say and with good reason that the history of art, pure or applied, is the truest of all histories. The meanest potsherd, like the greatest statue, was made to satisfy a want; the objects of daily life throughout the ages were made to gratify natural wholesome desire; they have no concealed motive in them and no pretence to be what they are not; they express sincerely the spirit of their time. So likewise the democratic man

is moved by the emotions he feels, and his character is expressed in the institutions he devises in order to secure what he longs for. The individual may be deceitful and what he writes may be the curtain behind which he manœuvres: but what he does and the record he makes in doing it are as artless as the utensil he designs and the ornamentation he puts upon it. Moreover, in the modern democracy, the individual of every rank is an insider. In ancient and mediæval democracies the laborer was either a slave or a powerless serf. When in the majority, he could only influence affairs indirectly or by revolution: to-day he has at hand every instrument known to those who work with their heads or with their capital; and he wields one which they have not,—the force of numbers. Theoretically then the truth should be easier to discern and more self-evident in our time than ever before. If the literary artist be at hand, his task of investigation should be easier than that of his predecessors and his materials should be more reliable than ever; the product of his genius ought, consequently, to be more splendid.

There is one other point which deserves attention in connection with these theoretical considerations, and that is the attitude of the reader. Without sympathetic and careful readers there can be no artistic history, exactly as there can be no poetry, no sculpture, no painting without an appreciative and discriminating public. Does such a public exist for the historian? That the readers of history are numerous will not be denied, if we may judge from the publishers' announcements and from the records of our libraries. The histories of our day which the public esteems pass through many editions and are sold at prices which books of no other class can command. But of the intellectual quality among these readers it is not so easy to speak with confidence. On the one hand it is true that our most careful workers, men like Bancroft or Parkman or Alexander Johnston, or those of the living whose names will occur to every reader, seem to create an audience for themselves without difficulty. But it is also true, on the other hand, that this may be due to that mere desire for information which is not one of the best signs of the times. Whether readers rise from perusing the best products of the day with any definite conception of the historian's spirit and purpose is another question.

The systematic teaching of history in our schools and colleges is still far to seek. The larger universities have an imposing array of historical chairs, but they do not demand as a condition of entrance to their lecture rooms a thorough knowledge of general history. For the most part it is American history which, in deference to patriotic but unintelligent public opinion, is set as the subject of

preliminary work ; although in a few cases English history is admitted as a substitute. In other words, the logical process of teaching is exactly reversed, and our youth begin with a highly specialized subject of historical study before they have laid the foundation of general liberal knowledge. The educated class being thus poorly equipped at the very outset by the fault of our system, a bias toward some specialty easily prejudices the immature judgment as to other portions of history and emphasizes the value of materials with regard to themselves and to the particular structure into which they enter. The historical reviewers of our great journals are, with a few fine exceptions, examples of how specialties overshadow the genuine system of which they are a part. In order to display their own erudition the critics must belittle that of the writer, and so attention is directed not to him nor to the complete product of his mind, but to his materials, his canvas, his colors, his brushes or what not, anything but the picture he has made. The burden of the reviewer's instruction generally is that the reader is not to tolerate preaching or mere writing, but that he must scrutinize the facts and the authority on which assertions are made. Of the requirement of accuracy there can be no complaint : but the correlation and presentation of the facts cannot be done by mere arrangement or without the very discursiveness which is stigmatized as ornament, style, preaching, or fine writing ; and it is in this correlation and explanation of the causal relation that the highest capacity of the true historian is displayed. May we not hope that, in time, the paramount importance of this truth will be recognized by intelligent readers, and that they will be on the lookout not for new information solely nor for erudite reference to archives, rare books and manuscript authorities alone, but for the method and spirit which constitute the intellectual personality of the writer, in order to judge not only of his industry but of his spiritual dimensions? Without this there can be no historical literature and none of that leadership in historical opinion, the absence of which renders the whole science vague and nugatory. Great minds only can construct systems, and the knowledge which is unrelated to philosophy has little value, if indeed it be anything more than curious information.

Turning from speculation to examine historically what are the chances in America for history that shall be alike scientific and artistic, the prospect is certainly not discouraging, unless the retrospect be entirely misleading. Since the earliest settlement of the country, the Europeans who chose it for their home have been deeply impressed with the significance of the enterprise in

which they were engaged, and in consequence have been determined that a permanent record of their experiences should be kept. In the seventeenth century we had among the cavaliers that boastful and loquacious travel-writer and hero-worshipper, Captain John Smith, whose pictures and pages emphasize the importance of small beginnings, especially when guided by so truly great a man as himself. We have his quaint countertype among the Puritans in gossiping, rhyming Edward Johnson, to whom plain people were the substance of history. And in that century, too, we had the grave and trustworthy governors, Bradford and Winthrop, who, with equal piety and grace, delineated the two settlements with which they were respectively concerned as links in the divine plan, as correlated with the moral order of the universe. The next hundred years gave us five historical writers of note: for New England, Cotton Mather, the monument of erudition and credulity, Thomas Prince, the scholarly collector and annalist, and Thomas Hutchinson, the first philosophic American historian; for the South, Robert Beverley, geographer and historian of Virginia, with William Stith, the laborious and accurate compiler of her early records. The century of our independence is often designated the classic era of our historical writing; and, indeed, it would be difficult for any country in any age to display a galaxy of names more brilliant than that which is composed of Gordon, Marshall, Irving, Bancroft, Hildreth, Prescott, Motley, and Parkman. So splendid has been their achievement in various lines of work that a sense of hopelessness frequently manifests itself in the present and rising generation, a feeling that the nation must have exhausted itself, at least temporarily, in producing such learning and industry, and that an interval of incubation must elapse before such vigor can be shown again in the same direction.

This was, as may be imagined, far from being the sentiment of the numerous and enthusiastic muster of historical students which selected an editorial board to found this review. It is not the opinion of the liberal guarantors who have come to its financial support, nor of the subscribers whose assistance shows warm approval of its plan. For no one of these classes have either the editors or the writer a mandate to speak. Any attempt to foreshadow the character and sphere of a publication, the prospect of which seems already to have awakened much interest, must be purely personal, and marked by the diffidence of irresponsibility. But it appears as if *THE AMERICAN HISTORICAL REVIEW* owed its existence to certain plain facts, and that its character must depend

upon certain self-evident truths. In the first place, there is no check on the course of historical study in the United States: on the contrary, the volume becomes daily greater. In the second place, there is no decrease in the number of historical writers. Confined no longer, as in a former epoch, to the elegant, wealthy, and studious society of Federalist New England, they are now found in every district of the land, and among men of every shade of political and religious opinion. In the third place the reading public is daily enlarging, and its intelligence, as we trust, is proportionately increasing. These phenomena are probably both cause and effect with regard one to the other; but, taken as a whole, they create a grave responsibility, which earnest and patriotic men have long felt should be recognized and assumed by somebody. This is the responsibility for co-ordination and intelligent criticism in historical work. The strength of this feeling has long been noticeable; and when at last, in several centres of learning simultaneously, it became too strong for repression, the movement to give it outlet and direction was virtually spontaneous among all historical workers. The unity of purpose and the disinterestedness displayed were unique in the history of similar movements, so far as the United States are concerned. The universities laid aside their rivalries, scholars emerged from their closets, representatives of cities and districts contending for distinction as literary hearthstones banished every jealousy, there was a singleness of hearty feeling, and a sturdy good-will to overcome all obstacles.

This review, therefore, must, by the auspices under which it begins, display the largest catholicity possible, and an impartiality willing always to hear the other side. It can in no sense be an organ of any school, locality, or clique. Controversial it certainly must be, but we trust always within the limits of courtesy. The mission of critic, to which reference has been made, implies much. There is something in the very word "criticism" which in established usage indicates blame; and we too often use it as synonymous with sarcasm and depreciation. But among the countless advances made by the human spirit none is greater than the substitution of the constructive for the destructive notion in the highest and most advanced criticism. It is in this direction that we hope the new periodical will move. Its primary object is indicated by its name of Review. No doubt it must and should print articles embodying the results of investigation and monographs of importance; but it ought chiefly to be a critical review, fearless to denounce a bad or superficial book which solicits public favor, equally courageous to sustain one which presents unpopular truth,

and sufficiently learned to give reasons for its opinions. Incidentally, too, the amount of notice should as far as possible be indicative of the relative values of the volumes named. Finally, it must assist historical scholars by furnishing materials that could not otherwise be published, and by keeping its professional readers abreast with the latest news in the field which most interests them. Believing that our democracy with its growing numbers, wealth, and influence will nevertheless remain historically minded and therefore afford proportionate support to the best historical work, we trust that all the elements it embraces may find representation and encouragement in these pages. The profounder our study of ourselves, the stronger will grow our conviction of the organic relation between our own history and that of the world. Every division of the field of general history from the earliest to the latest times should be represented here as it is among American investigators. At the same time the orientalist and the classicist, being compelled to use philology, archæology, and the other disciplines kindred to history, as the chief instruments of their work, have each their own particular and special periodicals: so also have the students of political economy, political science, and jurisprudence; we can have no intention to appropriate the fields already pre-empted by their able reviews. Consequently, therefore, in the selection of material for our readers, while we shall welcome contributions in ancient history, oriental or classical, we must emphasize the importance of mediæval, modern, and contemporaneous history, not excluding a fair consideration for uncontroversial ecclesiastical investigation, and using all these terms in a sense so broad as to put no hampering limitation upon them, remaining ever hospitable to themes in the line of biography or historical philosophy, and especially to discussions of method and system in historical science. The disciplines concerned with humanity claim as an advantage over those concerned with the external world that they have no hard and fast boundaries, and that they afford free play to the discursive faculties. We must frankly confess that expediency, timeliness, and similar considerations will necessarily govern those who manage an historical journal like this one, but as far as the present writer has understood the deliberations of his colleagues, their general purpose is indicated, though roughly, in the sketch he has given of their aims during the time they are intrusted with the charge of *THE AMERICAN HISTORICAL REVIEW*. Its ability to sustain its interest, to secure the strongest contributors, to preserve its independence, to furnish valuable material, and to do the best work generally for the cause to which it is devoted

will now depend on the kindly consideration and material support of the large public to which it appeals ; for it is already assured of the hearty co-operation of scholars and specialists. Whatever measure of money is intrusted to it will be entirely expended in the returns made to the readers. The editors and guarantors feel themselves amply rewarded by their opportunity to serve a great cause.

WILLIAM M. SLOANE.

THE PARTY OF THE LOYALISTS IN THE AMERICAN REVOLUTION

I

THERE cannot be a more authentic introduction to the Loyalists of our Revolution, than is to be had through an acquaintance with their literature. As we turn over the pages of that literature, — political essays, pamphlets, sermons, songs, satires, epigrams, burlesques, lampoons, — a literature now having almost a pathetic insignificance as it slumbers under a hundred years of dust and contempt, — perhaps the first notable fact that calls for attention is, that, in point of time, its development lags somewhat behind that of the Revolutionist party, and does not become of much value until within the twelvemonth preceding the Lexington and Concord skirmishes, — that is, until about the time of the Congress of 1774.

Of course, from the very beginning of the dispute there had been American writers who, while doubting the wisdom of the colonial policy of the English ministry, likewise doubted the soundness of the constitutional claim set up in opposition to it by many of their American brethren; and, at any rate, deprecated all violent or extreme measures in the assertion of that claim. Nevertheless, during the eight or ten years prior to 1774, it might fairly have been assumed that this Anglo-American dispute was but one of a long series of political disagreements that had broken out, at various times, in John Bull's large and vivacious family, and that this particular dispute would probably run its natural course and come to an end, just as its predecessors had done, without any permanent rupture of the interior relations of the family, and, indeed, to the great advantage of all its members through a clearer definition of those constitutional principles which had enabled them all to live together so long under the same enormous and kindly roof. Not until after the failure of Lord North's clever device for inducing the Americans to take the taxation which they liked so little, along with that cheering beverage which they liked so much, was it necessary for any person to regard the dispute as one of peculiarly deep and tragical import. It was, per-

haps, on account of this confidence of theirs in the natural limitations of the problem then vexing the colonies and the mother-country, that so many of the ablest conservative writers in America refrained, in that stage of affairs, from engaging very actively in the discussion. Thus it is that we may in a measure explain why, in this controversy, so little part was taken prior to 1774 by the most powerful of all the Loyalist writers, — Daniel Leonard, Joseph Galloway, Samuel Seabury, and Jonathan Odell.

But with the events of the years 1773 and 1774, came a total change in the situation, and in the attitude of all parties toward it: first, the repulsion of the gentle tea-ships by several American communities, and the destruction of valuable property belonging to liegemen of the king; then the series of stern retaliatory measures to which Parliament was thereby drawn; finally, by one large portion of the colonists, the fearless summons for a great council of their own delegates, solemnly to determine and to proclaim some common plan of action. With the gathering of this celebrated council—the First Continental Congress—the wayfaring American though a fool could not err in reading, in very crimson letters painted on the air in front of him, the tidings of the arrival of a race-crisis altogether transcending those ordinary political altercations which had from time to time disturbed, and likewise quickened and clarified, the minds of his British ancestors.

Naturally, therefore, from about this time the process of political crystallization among the colonists went on with extraordinary rapidity. Then, every man had to define both to himself and to his neighbor, what he thought, how he felt, what he meant to do. Then, too, the party of insubordination in these thirteen agitated communities had, for the first time, a common and a permanent organ for the formulation of the political doctrine and purpose which should sway them all. Finally, around this official and authoritative statement of doctrine and purpose, the opposing tendencies of thought could clash and do intelligent battle, — having a set of precise propositions to fight for or to fight against, and having, likewise, the grim consciousness that such fight was no longer a merely academic one.

In a valid sense, therefore, it may be said that the formation of the great Loyalist party of the American Revolution dates from about the time of the Congress of 1774. Moreover, its period of greatest activity in argumentative literature is from that time until the early summer of 1776, when nearly all further use for argumentative literature on that particular subject was brought to an end by the Declaration of Independence. The writings of the

Loyalists, from the middle of 1776 down to 1783, form no longer a literature of argumentative discussion, but rather a literature of emotional appeal, exultant, hortatory, derisive, denunciatory, — a literature chiefly lyrical and satirical.

II

Even yet, in this last decade of the nineteenth century, it is by no means easy for Americans — especially if, as is the case with the present writer, they be descended from men who thought and fought on behalf of the Revolution — to take a disinterested attitude, that is, an historical one, toward those Americans who thought and fought against the Revolution. Both as to the men and as to the questions involved in that controversy, the rehearsal of the claims of the victorious side has been going on among us, now for a hundred years or more, in tradition, in history, in oration, in song, in ceremony. Hardly have we known, seldom have we been reminded, that the side of the Loyalists, as they called themselves, of the Tories, as they were scornfully nicknamed by their opponents, was even in argument not a weak one, and in motive and sentiment not a base one, and in devotion and self-sacrifice not an unheroic one. While the war was going forward, of course the animosities aroused by it were too hot and too fierce, especially between the two opposing groups of Americans, to permit either party in the controversy to do justice to the logical or to the personal merit of the other. (When at last the war came to an end, and the champions of the Revolution were in absolute triumph, then the more prominent Tories had to flee for their lives; they had to flee from the wrath that had come, and to bury themselves, either in other lands or in obscure places of this land. Then, of course, they and all their detested notions and emotions and deeds, whether grand or petty or base, went down out of sight, submerged beneath the abhorrence of the victorious Revolutionists, and doomed, as it appears, to at least one solid century of oratorical and poetical infamy, which has found its natural and organized expression in each recurring Fourth of July, and in each reappearance of the birthday of Washington. May it not, however, at last be assumed that a solid century should be, even under such conditions, a sufficient refrigerator for overheated political emotion? May we not now hope that it will not any longer cost us too great an effort to look calmly, even considerately, at least fairly, upon what, in the words and acts of the Tories, our fathers and grandfathers could hardly endure to look

at all? And, surely, our willingness to do all this can hardly be lessened by the consideration that, "in dealing with an enemy, not only dead, but dead in exile and in defeat, candor prescribes the fullest measure of generous treatment."¹ At any rate, the American Revolution affords no exemption from the general law of historic investigation, — that the truth is to be found only by him who searches for it with an unbiased mind. Until we shall be able to take, respecting the problems and the parties of our own Revolution, the same attitude which we freely and easily take respecting the problems and parties of other revolutions — that is, the attitude, not of hereditary partisans, but of scientific investigators — will it be forbidden us to acquire a thoroughly discriminating and just acquaintance with that prodigious epoch in our history.

III

As preliminary to some examination of the argumentative value of the position taken by the Loyalist party, let us inquire, for a moment, what recognition may be due to them simply as persons. Who and what were the Tories of the American Revolution? As to their actual number, there is some difficulty in framing even a rough estimate. No attempt at a census of political opinions was ever made during that period; and no popular vote was ever taken of a nature to indicate, even approximately, the numerical strength of the two opposing schools of political thought. Of course, in every community there were Tories who were Tories in secret. These could not be counted, for the good reason that they could not be known. Then, again, the number of openly avowed Tories varied somewhat with variations in the prosperity of the Revolution. Still further, their number varied with variations of locality. Throughout the entire struggle, by far the largest number of Tories was to be found in the colony of New York, particularly in the neighborhood of its chief city. Of the other middle colonies, while there were many Tories in New Jersey, in Delaware, and in Maryland, probably the largest number lived in Pennsylvania, — a number so great that a prominent officer² in the Revolutionary army described it as the "enemies' country." Indeed, respecting the actual preponderance of the Tory party in these two central colonies, an eminent champion of the Revolution bore this startling testimony: "New York and Pennsylvania were so nearly divided — if their propensity was

¹ Winthrop Sargent, Preface to *The Loyalist Poetry*, etc., vi.

² Timothy Pickering.

not against us—that if New England on one side and Virginia on the other had not kept them in awe, they would have joined the British.”¹ Of the New England colonies, Connecticut had the greatest number of Tories; and next, in proportion to population, was the district which was afterwards known as the State of Vermont. Proceeding to the colonies south of the Potomac, we find that in Virginia, especially after hostilities began, the Tories were decidedly less in number than the Whigs. In North Carolina, the two parties were about evenly divided. In South Carolina, the Tories were the more numerous party; while in Georgia their majority was so great that, in 1781, they were preparing to detach that colony from the general movement of the rebellion, and probably would have done so, had it not been for the embarrassing accident which happened to Cornwallis at Yorktown in the latter part of that year.

If we may accept these results as giving us a fair, even though crude, estimate concerning the local distribution of the Tories, we have still to come back to the question which deals with their probable number in the aggregate. Naturally, on such a problem, the conclusions reached by the opposing parties would greatly differ. Thus, the Tories themselves always affirmed that could there have been a true and an unterrified vote, they would have had a great majority; and that the several measures of the Revolution had not only never been submitted to such a test, but had been resolved upon and forced into effect by a few resolute leaders who, under the names of committees of correspondence, committees of observation, committees of safety, conventions, and congresses, had assumed unconstitutional authority, and had pretended, without valid credentials, to speak and to act for the whole population of their towns, or counties, or provinces. To translate the Tory explanation into the language of the present day, it may be said that, in their belief, the several measures of the Revolution were the work of a well-constructed and powerful political machine, set up in each colony, in each county, in each town, and operated with as much skill and will and unscrupulousness as go into the operation of such machines in our time. This opinion, which, in its substance, was most ably presented in those days by the Tory writers, has been adopted by a very candid English historian now living, who says of the American Revolution that, like most other revolutions, it “was the work of an energetic minority, who succeeded in committing an undecided and fluctuating majority to courses for

which they had little love, and leading them step by step to a position from which it was impossible to recede."¹

Of course, with such an estimate as to the superior numbers of the Tories, their own opponents did not agree; but they did admit that the Tory party was at any rate a very large one. Perhaps no statesman on the Whig side was better informed on such a subject than John Adams, or was less inclined to make an undue concession to the enemy; and he gave it as his opinion that about one-third of the people of the thirteen States had been opposed to the measures of the Revolution in all its stages.² This opinion of John Adams, which he affirmed more than once in the latter part of his life, was on one occasion mentioned by him in a letter to his old compatriot, Thomas McKean, Chief Justice of Pennsylvania, a signer of the Declaration of Independence, and a member of every American Congress from that of 1765 to the close of the Revolution. "You say," wrote McKean in reply, "that . . . about a third of the people of the colonies were against the Revolution. It required much reflection before I could fix my opinion on this subject; but on mature deliberation I conclude you are right, and that more than a third of influential characters were against it."³

Out of three millions of people, then, at least one million did not approve of the policy of carrying their political opposition to the point of rebellion and separation. According to John Adams and Thomas McKean, every third American whom we could have encountered in this part of the world between 1765 and 1783 was a Loyalist. Surely, an idea—a cause—that was cherished and clung to, amid almost every form of obloquy and disaster, by so vast a section of American society, can hardly deserve any longer to be turned out of court in so summary and contemptuous a fashion as that with which it has been commonly disposed of by American writers.)

IV

After the question of number, very properly comes that of quality. What kind of people were these Tories, as regards intelligence, character, and standing in their several communities?

And here, brushing aside, as unworthy of historical investigators, the partisan and vindictive epithets of the controversy,—many of which, however, still survive even in the historical writings of our own time,—we shall find that the Loyalists were, as might be expected, of all grades of personal worth and worthlessness; and

¹ Lecky, *A History of England in the Eighteenth Century*, new ed., IV. 224.

² *The Works of John Adams*, X. 63, 110. ³ *Ibid.*, 87.

that, while there was among them, no doubt, the usual proportion of human selfishness, malice, and rascality, (as a class they were not bad people, much less were they execrable people — as their opponents at the time commonly declared them to be.)

In the first place, there was, prior to 1776, the official class; that is, the men holding various positions in the civil and military and naval services of the government, their immediate families, and their social connections. (All such persons may be described as inclining to the Loyalist view in consequence of official bias.

Next were certain colonial politicians who, it may be admitted, took a rather selfish and an unprincipled view of the whole dispute, and who, counting on the probable, if not inevitable, success of the British arms in such a conflict, adopted the Loyalist side, not for conscience' sake but for profit's sake, and in the expectation of being rewarded for their fidelity by offices and titles, and especially by the confiscated estates of the rebels, after the rebels themselves should have been defeated, and their leaders hanged or sent into exile.

As composing still another class of Tories, may be mentioned probably a vast majority of those who stood for the commercial interests, for the capital and the tangible property of the country, and who, with the instincts natural to persons who have something considerable to lose, disapproved of all measures for pushing the dispute to the point of disorder, riot, and civil war.

Still another class of Loyalists was made up of people of professional training and occupation, — clergymen, physicians, lawyers, teachers, — a clear majority of whom seem to have been set against the ultimate measures of the Revolution.

Finally, and in general, it may be said that a majority of those who, of whatever occupation, of whatever grade of culture or of wealth, would now be described as conservative people, were Loyalists during the American Revolution. And by way of concession to the authority and force of truth, what has to be said respecting the personal quality commonly attaching to those who, in any age or country, are liable to be classed as conservative people? Will it be denied that within that order of persons, one may usually find at least a fair portion of the cultivation, of the moral thoughtfulness, of the personal purity and honor, existing in the entire community to which they happen to belong?

Precisely this description, at any rate, applies to the conservative class in the American colonies during that epoch, — a majority of whom dissented from those extreme measures which at last trans-

formed into a revolution a political movement which began with the avowed purpose of confining itself to a struggle for redress of grievances, and within the limits of constitutional opposition.) If, for example, we consider the point with reference to cultivation and moral refinement, it may seem to us a significant fact that among the members of the Loyalist party are to be found the names of a great multitude of the graduates of our colonial colleges—especially of Harvard, William and Mary, Yale, Princeton, and Pennsylvania. Thus, in an act of banishment passed by Massachusetts, in September, 1778, against the most prominent of the Tory leaders in that State, one may now read the names of three hundred and ten of her citizens. And who were they? Let us go over their names. Are these the names of profligates, and desperadoes, or even of men of slight and equivocal consideration? To any one at all familiar with the history of colonial New England, that list of men, denounced to exile and loss of property on account of their opinions, will read almost like the beadroll of the oldest and noblest families concerned in the founding and upbuilding of New England civilization. Moreover, of that catalogue of three hundred and ten men of Massachusetts, banished for an offence to which the most of them appear to have been driven by conscientious convictions, more than sixty¹ were graduates of Harvard. This fact is probably a typical one; and of the whole body of the Loyalists throughout the thirteen colonies, it must be said that it contained, as one of its ablest antagonists long after admitted, "more than a third of influential characters,"—that is, a very considerable portion of the customary chiefs and representatives of conservatism in each community.

By any standard of judgment, therefore, according to which we usually determine the personal quality of any party of men and women in this world—whether the standard be intellectual or moral, or social, or merely conventional—the Tories of the Revolution seem to have been not a profligate party, nor an unprincipled one, nor a reckless or even a light-minded one, but, on the contrary, to have had among them a very considerable portion of the most refined, thoughtful, and conscientious people in the colonies. So true is this, that in 1807 a noble-minded Scottish woman, Mistress Anne Grant of Laggan, who in her early life had been familiar with American colonial society, compared the loss which America suffered in consequence of the expatriation of the Loyalists by the Revolution, to the loss which France suffered in consequence

¹ George E. Ellis, in *Narr. and Crit. Hist. Am.*, VII. 195.

of the expatriation of so many of her Protestants by the revocation of the Edict of Nantes.¹

So much, then, must be said on behalf of the Tories of the Revolution,—in point of numbers, they were far from inconsiderable, and in point of character, they were far from despicable. On the one hand, they formed no mere rump party. If they were not actually a majority of the American people,—as they themselves always claimed to be, and as some careful scholars now think they were,—they did at least constitute a huge minority of the American people: they formed a section of colonial society too important on the score of mere numbers to be set down as a paltry handful of obstructives; while in any rightful estimate of personal value, quite aside from mere numbers, they seem to deserve the consideration which conscientious and cultivated people of one party never ask in vain of conscientious and cultivated people of the opposite party,—at least after the issues of the controversy are closed.

V

Pressing forward, then, with our investigation, we proceed to apply to the American Loyalists that test by which we must judge any party of men who have taken one side, and have borne an important share in any great historical controversy. This is the test of argumentative value. It asks whether the logical position of the party was or was not a strong one.

Even yet it is not quite needless to remind ourselves that the American Revolution was a war of argument long before it became a war of physical force; and that, in this war of argument, were involved a multitude of difficult questions,—constitutional, legal, political, ethical,—with respect to which honest and thoughtful people were compelled to differ. All these questions, however, may, for our purposes, be reduced to just two: first, the question of what was lawful under the existing constitution of the British empire; and secondly, the question of what was expedient under the existing circumstances of the colonies. Now, paradoxical as it may seem to many of the American descendants of the victorious party, each of those questions had two very real and quite opposite sides: much was to be said for each side; and for the Tory side so much was to be said in the way of solid fact and of valid reasoning, that an intelligent and a noble-minded American might have taken that side, and might have stuck to it, and might have gone into battle for it, and might have imperilled all the interests of his

¹ *Am. Anti-Quest. Assoc. & Am. Hist. Soc. Trans.* 1887, vol. 33.

life in defence of it, without any just impeachment of his reason or of his integrity — without deserving to be called, then or since then, either a weak man or a bad one.

That we may develop before our eyes something of the argumentative strength of the Loyalist position, in the appeal which it actually made to honest men at that time, let us take up for a moment the first of the two questions to which, as has just been said, the whole dispute may be reduced, — the question of what was lawful under the existing constitution of the British Empire. Let us strike into the very heart of that question. (It was the contention of the American Whigs that the British Parliament could not lawfully tax us, because by so doing it would be violating an ancient maxim of the British constitution: "No taxation without representation.") Have we not all been taught from our childhood that the citation of that old maxim simply settled the constitutional merits of the whole controversy, and settled it absolutely in favor of the Whigs? But did it so settle it? (Have we not been accustomed to think that the refusal of the American Tories to give way before the citation of that maxim was merely a case of criminal stupidity or of criminal perversity on their part? But was it so?)

On the contrary, many of the profoundest constitutional lawyers in America, as well as in England, both rejected the foregoing Whig contention, and at the same time admitted the soundness and the force of the venerable maxim upon which that contention was alleged to rest. Thus the leading English jurists, who supported the parliamentary taxation of the colonies, did not dispute that maxim. Even George Grenville, the author and champion of the Stamp Act, did not dispute it. "The colonies claim, it is true," said he, "the privilege which is common to all British subjects, of being taxed only with their own consent, given by their representatives. And may they ever enjoy the privilege in all its extent; may this sacred pledge of liberty be preserved inviolate to the utmost verge of our dominions, and to the latest pages of our history! I would never lend my hand toward forging chains for America, lest, in so doing, I should forge them for myself. But the remonstrances of the Americans fail in the great point of the colonies not being represented in Parliament, which is the common council of the whole empire, and as such is as capable of imposing internal taxes as impost duties, or taxes on intercolonial trade, or laws of navigation."¹

¹ Given in George Bancroft, *History of the United States*, last revision, III. 98. These sentences of Grenville, which are not to be found in Hansard, seem to have been

These words of Grenville may help us to understand the position of the American Loyalists. They frankly admitted the maxim of "No taxation without representation"; but the most of them denied that the maxim was violated by the acts of Parliament laying taxation upon the colonies. Here everything depends, they argued, on the meaning to be attached to the word "representation"; and that meaning is to be ascertained by ascertaining what was understood by the word in England at the time when this old maxim originated, and in the subsequent ages during which it had been quoted and applied. Now, the meaning then attached to the word in actual constitutional experience in England is one which shows that the commons of America, like the commons of England, are alike represented in that great branch of the British Parliament which proclaims its representative character in its very name,—the House of Commons. During the whole period in which the maxim under consideration had been acquiring authority, the idea was that representation in Parliament was constituted, not by the fact of a man's having a vote for a member of Parliament, but by the fact of his belonging to one of the three great divisions of the nation which were represented by the three orders of Parliament,—that is, royalty, nobility, commonalty. Thus if you are a member of the royal family, the monarch is your representative, when he acts in his capacity as the highest of the three orders of Parliament, and this though you never voted for him, as of course you never did. Again, if you are a member of the nobility, and yourself without a seat in the House of Lords, you are represented in Parliament by the members of that house, even though you never voted for any of them. So, too, if you are of the commonalty, you are represented in Parliament by the men composing the House of Commons, even though you may never have had a vote for any of its members. In short, the old English idea of representation was, that the three great orders of the British Parliament—king, lords, and commons—represented severally the three great classes of the British people, to which their names correspond,—royalty, nobility, and commonalty,—and that they did so by virtue of the fact that each order might justly be supposed to be identified with the interests and to be familiar with the needs and the demands of its own class. Therefore, the historic meaning of the word "representation," as it was used in English constitutional expe-

compiled by Bancroft from several contemporary reports to be met with in private letters from persons who heard Grenville. Compare 18th ed. of Bancroft, V. 237, note.

rience, is a meaning which shows that the commons of America, as an integral part of the commons of the British Empire, are to all intents and purposes represented in that great branch of the British Parliament which, by its very name, announces itself as standing in a representative character towards the entire British commonalty.

It was no sufficient reply to this statement to say, as some did say, that such representation as has just been described was a very imperfect kind of representation. Of course it was an imperfect kind of representation; but, whatever it was, it was exactly the kind of representation that was meant by the old constitutional maxim thus cited; for it was the only kind of representation practised, or known, or perhaps ever conceived of in England during all those ages which had witnessed the birth and the growth of this old formula. The truth is that representation, as a political fact in this world, has thus far been a thing of degrees—a thing of less and of more; that perfect representation has even yet not been anywhere attained in this world; that in the last century representation in England was very much less perfect than it has since become; and, finally, that, in the period now dealt with, what had always been meant by the word “representation” in the British Empire was satisfied by such a composition of the House of Commons as that, while its members were voted for by very few even of the common people in England, yet, the moment that its members were elected, they became, in the eye of the constitution and in the spirit of this old formula, the actual representatives of all the commoners of the whole empire, in all its extent, in all its dominions and dependencies.

Accordingly, when certain English commoners in America at last rose up and put forward the claim that, merely because they had no votes for members of the House of Commons, therefore that House did not represent them, and therefore they could not lawfully be taxed by Parliament, it was very naturally said, in reply, that these English commoners in America were demanding for themselves a new and a peculiar definition of the word “representation”; a definition never up to that time given to it in England, and never of course up to that time claimed or enjoyed by English commoners in England. For, how was it at that time in England with respect to the electoral privilege? Indeed, very few people in England then had votes for members of the House of Commons,—only one-tenth of the entire population of the realm. How about the other nine-tenths of the population of the realm? Had not those British subjects in England as good a right as these British

subjects in America to deny that they were represented in Parliament, and that they could lawfully be taxed by Parliament? Nay, such was the state of the electoral system that entire communities of British subjects in England, composing such cities as Leeds, Halifax, Birmingham, Manchester, and Liverpool, — communities as populous and as rich as entire provinces in America, — had no votes whatever for members of Parliament. Yet, did the people of these several communities in England refuse to pay taxes levied by act of Parliament — that is, did they, for that reason, proclaim the Nullification of a law of the general government? “We admit,” continued the American Loyalists, “that for all these communities of British subjects — for those in England, as well as for these in America — the existing representation is very imperfect; that it should be reformed and made larger and more uniform than it now is; and we are ready and anxious to join in all forms of constitutional agitation, under the leadership of such men as Chatham, and Camden, and Burke, and Barré, and Fox, and Pownall, to secure such reform; and yet it remains true that the present state of representation throughout the British Empire, imperfect as it is, is representation in the very sense understood and practised by the English race whenever hitherto they have alleged the maxim, — ‘No taxation without representation.’ That old maxim, therefore, can hardly be said to be violated by the present imperfect state of our representative system. The true remedy for the defects of which we complain is reform — reform of the entire representative system both in England and in America — reform by means of vigorous political agitation — reform, then, and not a rejection of the authority of the general government; reform, and not Nullification; reform, and not a disruption of the empire.”

Such is a rough statement, and, as I think, a fair one, of the leading argument of the American Loyalists with respect to the first of the two great questions then dividing the American people, namely, the question of what was lawful under the existing constitution of the British Empire. Certainly, the position thus taken by the Loyalists was a very strong one, — so strong, in fact, that honest and reasonable Americans could take it, and stand upon it, and even offer up their lives in defence of it, without being justly liable to the charge that they were either peculiarly base, or peculiarly stupid.

Indeed, under this aspect of legality, the concession just made by us does scant justice to the Tories — or to the truth. The dispute, it must be remembered, had arisen among a people who were then subjects of the British Empire, and were proud of the fact;

who exulted in the blessings of the British constitution; and who, upon the matter at issue, began by confidently appealing to that constitution for support. The contention of the Tories was that, under the constitution, the authority of the imperial Parliament was, even for purposes of revenue legislation, binding in America, as in all other parts of the empire, and even though America should have no members in the House of Commons. This the Whigs denied. It was, then, a question of British constitutional law. Upon that question, which of the two parties was in the right? Is it now possible to doubt that it was the Tories? A learned American writer upon the law, now one of the justices of the Supreme Court of the United States, in referring to the decision of Mr. Chief Justice Hutchinson sustaining the legality of Writs of Assistance, has given this opinion: "A careful examination of the question compels the conclusion . . . that there was at least reasonable ground for holding, as a matter of mere law, that the British Parliament had power to bind the colonies."¹ This view, of course, has been sustained by the highest English authorities upon British constitutional law, from the time of Lord Mansfield to the present. "As a matter of abstract right," says Sir Vernon Harcourt,² "the mother-country has never parted with the claim of ultimate supreme authority for the imperial legislature. If it did so, it would dissolve the imperial tie, and convert the colonies into foreign and independent states." "The constitutional supremacy of the imperial Parliament over all the colonial possessions of the crown," says another eminent English writer, "was formally reasserted in 1865, by an act passed to remove certain doubts respecting the powers of colonial legislatures. . . . It is clear that imperial acts are binding upon the colonial subjects of the crown, as much as upon all other British subjects, whenever, by express provision or by necessary intendment, they relate to or concern the colonies."³

But after the question as to what was lawful under the existing constitution of the British Empire, came the question as to what was expedient under the existing circumstances of the American colonies. Now, as it happened, this latter question had two aspects, one of which pointed toward the expediency of rejecting the taxing power of parliament, even though such power did exist

¹ Horace Gray, *Quincy's Mass. Reports: 1761-1762*, Appendix I., page 540.

² Writing as "Historicus," in *The Times*, for June 1, 1876, and cited in A. Todd, *Parliamentary Gov. in the Brit. Col.*, 27.

³ A. Todd, *Parl. Gov.*, etc., 189. The act of Parliament above referred to, is 28 & 29 Vict. (1865), cap. lxiii., secs. 1, 2.

under the constitution ; the other pointed toward the expediency of separation from the empire.

Having in view, at present, the former aspect of this question, the American Whigs went forward and took the ground that, if the claim of Parliament to tax them was indeed justified by the constitution, then so much worse for the constitution, — since it was a claim too full of political danger to be any longer submitted to. “If Parliament, to which we send no members, may tax us three pence on a pound of tea, it may, if it pleases, tax us a shilling, or a guinea. Once concede to it this right to tax us at all, and what security have we against its taxing us excessively? — what security have we for our freedom or our property against any enormity of oppression?” And what was the answer of the American Tories to this argument? “Yes,” said the Tories, “you allege a grave political danger. But does it really exist? Is it likely ever to exist? Are you not guilty of the fallacy of arguing against the use of a power, simply from the possibility of its abuse? In this world every alleged danger must be estimated in the light of common sense and of reasonable probability. In that light, what ground have we for alarm? The line drawn by the supreme legislature itself for the exercise of its own power, is a perfectly distinct one, — that it should tax no part of the empire to a greater amount than its just and equitable proportion. As respects America, the supreme legislature has not yet overstepped that line; it has shown no disposition to overstep that line; we have not the slightest reason to suppose that it ever will overstep that line. Moreover, all the instincts of the English race are for fair play, and would be overwhelmingly against such an injustice, were Parliament to attempt it. It is thought in England that as we, British subjects in America, receive our share of the benefits of membership of the empire, so we ought to pay our share toward the cost of those benefits. In apportioning our share of the cost, they have not fixed upon an amount which anybody, even here, calls excessive; indeed, it falls rather below than above the amount that might justly be named. Now, in this world, affairs cannot be conducted — civilization cannot go on — without confidence in somebody. And in this matter, we deem it reasonable and prudent to have confidence in the good sense and in the justice of the English race, and especially of the House of Commons, which is the great council of the commoners of the English race. True, we do not at present send members to that great council, any more than do certain great tax-paying communities in England; but, then, no community even in England has, in reality, so many representatives in

Parliament—so many powerful friends and champions in both houses of Parliament—as we American communities have: not only a great minority of silent voters, but many of the ablest debaters and party-leaders there, — Barré, and Pownall, and Conway, and Fox, and Edmund Burke in the lower house, and in the upper house Lord Camden, and, above all, the great Earl of Chatham himself. Surely, with such men as these to speak for us, and to represent our interests in Parliament and before the English people, no ministry could long stand, which should propose any measure liable to be condemned as grossly beyond the line of equity and fair play.”

The Americans who took this line of reasoning in those days were called Tories. And what is to be thought of this line of reasoning to-day? Is it not at least rational and fair? Even though not irresistible, has it not a great deal of strength in it? Even though we, perhaps, should have declined to adopt it, are we not obliged to say that it might have been adopted by Americans who were both clear-headed and honest-minded?

And this brings us to the second aspect of the question of expediency, — the great and ultimate issue of the whole controversy, — that of Independence. Of course, no one pretended that separation from the empire was a right provided for by the constitution. All admitted that it could be resorted to only as a revolutionary measure required by some vast and commanding need in the existing circumstances of the American colonies. And what was the attitude of the American Tories respecting the project for independence?

In order to answer this question, we shall need to translate the word used for separation from the empire into its modern American equivalent. For, just as the Whig doctrine for the rejection of the taxing-power of the general government meant what in the nineteenth century we have known under the name of Nullification, so the Whig doctrine of separation from the empire meant precisely what we now mean by the word Secession. The American Revolution had just two stages: from 1765 to 1776, its champions were Nullifiers, without being Secessionists; from 1776 to 1783, they were also Secessionists, and, as the event proved, successful Secessionists. The word Independence was merely a euphemism for national disunion, for a disruption of the British Empire. What the Whig leaders resolved to do, under the name of Independence, about the middle of the year 1776, seemed to the American Tories of that time precisely the same political crime as, to the people of the Northern States, seemed

the measure undertaken by certain Southern leaders, in the latter part of 1860, under the name of Secession. In short, the Tories of the American Revolution, concerning whose standing in history we are now making inquiry, took between 1776 and 1783 constitutional ground similar to that taken by the people of these Northern States and by the so-called Loyalists of the Southern States between 1861 and 1865; that is, they were champions of national unity, as resting on the paramount authority of the general government.

Finally, the whole strength and dignity of their historic claim is not appreciated until we recall the fact that, for the first ten or twelve years of the Revolution,—from 1764 to 1776,—the entire Whig agitation was conducted on a perpetual disavowal of the purpose or the desire for independence. In every form in which a solemn affirmation could be made and reiterated, it was affirmed by the Whigs during all those years that the only object of their agitation was to obstruct and to defeat a bad ministerial policy, thereby to secure a redress of grievances; that, as for independence, it was the thing they abhorred, and it was mere calumny to accuse them of designing or of desiring it. Nearly all the greatest Whig pamphleteers prior to 1776—James Otis, Daniel Dulany, John Dickinson, and Alexander Hamilton—abjured independence as a measure full of calamity and crime. The Stamp Act Congress, speaking in the name of the several colonies, declared that their connection with Great Britain was their “great happiness and security,” and that they “most ardently” desired its “perpetual continuance.”¹ In January, 1768, the Massachusetts House of Representatives sent to their agent a letter of instructions, written by James Otis, and thus defining their opposition to the renewal by Parliament of its policy of taxing the colonies: “We cannot justly be suspected of the most distant thought of an independency on Great Britain. Some, we know, have imagined this; . . . but it is so far from the truth that we apprehend the colonies would refuse it if offered to them, and would even deem it the greatest misfortune to be obliged to accept it.”² In June, 1774, the same legislative body elected delegates to the First Continental Congress; and in their letter of instructions, signed by Samuel Adams, they declared that “the restoration of union and harmony between Great Britain and the colonists” was “most ardently desired by all good men.”³ The First Continental Congress, in its solemn petition to the king, adopted October 26,

¹ *Prior Documents*, 29, 31. ² *Ibid.*, 167.

³ *Journals of the Am. Cong.*, I. 2.

1774, professed the most devoted loyalty: "We wish not a diminution of the prerogative. . . . Your royal authority over us, and our connection with Great Britain we shall always carefully and zealously endeavor to support and maintain."¹ In March, 1775, Benjamin Franklin, then in London, repeated the statement which he had made in the previous year to Lord Chatham, that he had never heard in America one word in favor of independence "from any person, drunk or sober."² In May, 1775, shortly after American blood had been shed at Lexington and Concord, George Washington, crossing the Potomac on his way to the Second Continental Congress, was met midway in the river by a boat containing his friend, the Rev. Jonathan Boucher; and while their boats touched, Boucher kindly warned Washington that the errand on which he was going would lead to civil war and to an effort for independence. Such apprehensions were vigorously scouted by Washington, who then added, as Boucher says, "that if ever I heard of his joining in any such measures, I had his leave to set him down for everything wicked."³ Soon after Washington's arrival at Philadelphia, and after the news had been received there of the bloody transactions at Lexington and Concord, the Continental Congress resolved upon a dutiful petition to the king, assuring him that, although his ministry had forced hostilities upon them, yet they most ardently wished "for a restoration of the harmony formerly subsisting between" the mother-country and the colonies.⁴ The Americans who had just fought at Lexington and Concord, and the Americans who, a few days later, were to fight at Bunker Hill, would have spurned as a calumny the accusation that their object in fighting was independence. Washington's appointment as commander-in-chief, which was made two days before the battle of Bunker Hill, contained no intimation that he was to lead the armies in a struggle for independence. As soon as the news of his appointment reached Virginia, his old military company there sent him their congratulations on the honor he had received, closing their letter with the wish that all his "counsels and operations" might be directed by Providence "to a happy and lasting union between us and Great Britain."⁵ On the 6th of July, 1775, the Congress which had thus appointed Washington to lead

¹ *Journals of the Am. Cong.*, I. 49.

² *The Complete Works of Benjamin Franklin*, Bigelow ed., V. 446.

³ *Notes and Queries*, 5th ser., VI. 82-83.

⁴ *Journals of the Am. Cong.*, I. 73.

⁵ *Writings of Washington*, Sparks ed., III. 5, note.

their armies against the troops of the king, adopted their celebrated declaration, "setting forth the causes and necessity of their taking up arms," wherein they say: "Lest this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. . . . We have not raised armies with ambitious designs of separating from Great Britain, and establishing independent states."¹ When, a few days later, that declaration was read to General Putnam's troops, parading on Prospect Hill, near Boston, they greeted, with three loud cries of "Amen," the passage in which the Almighty was implored to dispose their adversaries "to reconciliation on reasonable terms."² More than two months after the battle of Bunker Hill, Jefferson wrote to a kinsman of his that he was "looking with fondness towards a reconciliation with Great Britain."³ More than three months after that battle, the Committee of Chester County, Pennsylvania, with Anthony Wayne as their chairman, issued a statement denying that, in taking up arms, the people of that county intended "to overturn the Constitution by declaring an independency," and expressing their "abhorrence even of an idea so pernicious in its nature."⁴ As late as the 22d of October, 1775, when Jeremy Belknap went to the American camp to officiate as chaplain, he publicly prayed for the king.⁵ As late as December 25, 1775, the revolutionary Congress of New Hampshire officially proclaimed their disavowal of any purpose "aiming at independence,"—a disavowal which they incorporated into the new constitution for New Hampshire adopted on the 5th of January, 1776.⁶

Such, then, upon the subject of Independence, was the attitude of all classes and parties in America during the first ten or twelve years of the Revolution. In just one sentiment all persons, Tories and Whigs, seemed perfectly to agree; namely, in abhorrence of the project of separation from the empire. Suddenly, however, and within a period of less than six months, the majority of the Whigs turned completely around, and openly declared for Independence, which, before that time, they had so vehemently repudiated.

¹ *Journals of the Am. Cong.*, I. 103.

² D. Humphreys, *Miscellaneous Works*, 271.

³ *The Writings of Thomas Jefferson*, Ford ed., I. 482.

⁴ *Am. Archives*, 4th ser., III. 704, 795.

⁵ *Life of Belknap*, by his granddaughter, 96, 97.

⁶ *The Federal and State Constitutions*, Poore ed., II. 1279.

What were the reasons for this astonishing change of front? Whatever they were, they were not such as to command the assent of all the members of the Whig party. For, at this sudden change of front, not a few of the men who had acted with the Whigs refused to follow the party any longer, and themselves became Tories.¹ What, then, did these new Tories say to their old associates, respecting the new direction taken by the Whig party? "It cannot be," said they, "that you have thus entered upon this long repudiated measure for Independence, because you really think that the objects for which we began the agitation and have thus far conducted it, cannot be obtained within the empire. All our demands are on the point of being granted. Our great friends in Parliament — Chatham, Camden, Burke, Conway, Barré, and the rest, — continually send us word that complete success is in sight; that if we will but hold on to our plan of agitation for larger rights inside the empire, retaining our allegiance, they can help us; that if we run up the flag of separation, of independence, we shall at once discredit them, and destroy all their power to be of any further use to us; that these political demands of ours have thus far been made by us after the method of our English ancestors, who, in cases of need, have roughly acquired an increase of political privilege, doing this as loyal subjects with weapons in their hands, and even enrolled as troops, never in the spirit of treason, never for the rejection of allegiance, never for the dissolution of national unity; that, even now, Lord North is quite ready to grant all our terms; that though the king still holds out against any concession, even he will have to yield to the people and to Parliament; that commissioners will soon be on their way hither to negotiate with us, and to concede to us that measure of local self-government which we have hitherto proclaimed as our sole object in the controversy; that by persisting a little longer in the line of action upon which we have hitherto conducted the whole movement, we shall certainly win for ourselves every political advantage we have ever professed to desire, and shall become a group of great, free, self-governing colonies within the British Empire. But as separation from the empire is not called for by any requirement of political safety, so our present resort to it would show either that we are fickle in opinion, or that we are political hypocrites—as our enemies have always charged us with being—and that, under all our disavowals of the purpose or the wish for Independence, we have been treacherously working with that very object all the time in view."

¹ For example, Daniel Dulany of Maryland.

VI

The purpose of this paper will perhaps be sufficiently accomplished if, in addition to what has now been brought forward touching the personal character of the Loyalist party, and the strength of its argumentative position, attention is invited to three errors closely connected with the subject, and still prevalent in popular expositions of it.

First, it is an error to represent the Tories of the American Revolution as a party of mere negation and obstruction. They did deny, they did attempt to obstruct; but they also had positive political ideas, as well as precise measures in creative statesmanship, to offer in the place of those ideas and measures of their fellow-colonists to which they made objection, and which they would have kept from prevailing if they could.

Secondly, it is an error to represent the Tories of the American Revolution as a party opposed either to any reform in the relations of the colonists with the mother-country, or to the extension of human rights and liberties here or elsewhere. From the beginning of the agitation, they clearly saw, they strongly felt, they frankly declared, that the constitutional relations of the colonies with the mother-country were in a crude state, were unsatisfactory, were in need of being carefully revised and reconstructed. This admission of theirs, they never recalled. Quite aside from the question of its legality, they doubted the expediency, under modern conditions, of such an exertion of parliamentary authority as the ministry had forced into life. Upon these points, there was substantial agreement between all Americans; namely, that there was a wrong, that there was a danger, that there should be a reform. It was chiefly as to the method and the process and the scope of this needed reform, that Americans broke asunder into two great opposing parties. The exact line of cleavage between these two parties, together with the tone and the spirit characteristic of each party, may now be traced with precision in the history of the Congress of 1774.

Within that body, the Tory party, both as regards its political ideas and its conscientiousness, was represented by Joseph Galloway, who, indeed, had permitted himself to be made a delegate, in the hope of inducing the Congress to adopt such measures as would commit the American people to reform through reconciliation, rather than to reform through separation. Then it was that he brought forward his celebrated plan for curing the political

evils which all Americans complained of, and for preventing their recurrence. This was simply a scheme for what we should now call home-rule, on a basis of colonial confederation, with an American parliament to be elected every three years by the legislatures of the several colonies, and with a governor-general to be appointed by the crown. The plan came very near to adoption. The member who introduced it was himself a man of great ability and great influence; it was supported in debate by James Duane, by John Jay, and by Edward Rutledge; it was pronounced by the latter to be "almost a perfect plan"; and in the final trial it was lost only by a vote of six colonies to five. Could it have been adopted in Congress and outside, the disruption of the British Empire would certainly have been averted for that epoch, and, as an act of violence and of unkindness, would, perhaps, have been averted forever; while the thirteen English colonies would have remained English colonies, without ceasing to be free.¹

Thirdly, it is an error to represent the Tories of our Revolution as composed of Americans lacking in love for their native country, or in zeal for its liberty, or in willingness to labor, or fight, or even to die, for what they conceived to be its interests. As was most natural, the party which succeeded in carrying through the Congress of 1774 such measures and methods of political reform as, in fact, led to civil war, and, finally, to American Independence, took for itself the name of the patriotic party, its members being commonly called "patriots." Beyond question, the Whig party was a patriotic party; but it is not now apparent that those Americans who failed in their honest and sacrificial championship of measures which would have given us political reform and political safety, but without civil war and without an angry disruption of the English-speaking race, can justly be regarded as having been, either in doctrine, or in purpose, or in act, an unpatriotic party.

MOSES COIT TYLER.

¹ Although Galloway's plan was regularly introduced into the Congress, and regularly debated there, and regularly voted on, yet, after it was rejected, all reference to it was swept from the records. It is not mentioned in the *Journals* of that Congress. The last few sentences in the above paragraph have been transferred by me from a book of mine on *Patrick Henry*, 102.

THE FIRST CASTILIAN INQUISITOR

It is perhaps natural that a certain school of modern writers should seek to exonerate the Holy See from responsibility for the Spanish Inquisition, grounding its arguments on the efforts of successive popes to assert the right to hear appeals from the sentences of the Holy Office and on the hesitancy of Sixtus IV. to grant to Ferdinand and Isabella the decree for which they asked for the foundation of the institution. The former point I expect to discuss in some detail hereafter, as its history is curious and somewhat complicated. The latter is simple and easily disposed of, especially with the aid of a hitherto unedited bull of Sixtus IV. from the Vatican archives, appended hereto.

What Ferdinand and Isabella wanted was not simply the Inquisition, which they could have had for the asking; they insisted on an inquisition in which the officials should not be, as elsewhere, nominated by the Dominican or Franciscan Provincial, but should be selected by the crown and hold their positions at its pleasure. The Castilian monarchs had always manifested extreme jealousy of the encroachments of the Church and had succeeded better than most other mediæval sovereigns in maintaining their independence. Especially was this the case with Ferdinand and Isabella, who more than once vindicated their supreme authority within their dominions with a vivacity savoring of little respect for the traditional claims of the Vicar of Christ. Nothing could have been further from their policy than to admit, within the lately pacified kingdoms of Castile and Leon, officials clothed with the tremendous powers of the Inquisition and at the same time wholly independent of the royal authority. Ferdinand, in fact, had already had an experience of the kind in his ancestral dominions of Aragon which he was not likely to forget or to wish to see repeated in Castile. In Aragon the papal Inquisition had existed since the thirteenth century, and one of the inquisitors was the Dominican Fray Juan Cristóbal de Gualbes, noted for his fervid eloquence both as a preacher and a popular orator. When, in September, 1461, the heir-apparent, Carlos Prince of Viana, whom the affectionate Catalans revered as Santo Carlos,

perished, as was believed, of poison administered at the instigation of his step-mother, Queen Juana Henriquez, to obtain the succession of the crown for her darling son Ferdinand, and she came with indecent haste to rule Catalonia as regent, Fray Gualbes was one of those who stood forward to defend the popular rights. In the troubles which speedily followed Queen Juana's tyrannical acts, Gualbes made himself conspicuous by writing and preaching that King Juan II., her husband, had forfeited the throne by disregarding his coronation-oath given to a free people and especially by his cruel persecution of his son Carlos. The Catalans were wrought to such a fervor of resistance that they successively bestowed the crown on Pedro of Portugal and René of Anjou, and only the opportune deaths, first of Pedro and then of René's son Jean de Lorraine, enabled Ferdinand to succeed his father.¹ Gualbes' office shielded him from Ferdinand's wrath, but the latter never forgot the lesson. When the Inquisition of Castile was founded by the appointment, September 27, 1480, of the Dominicans Fray Juan de San Martín and Miguel de Morillo as inquisitors, he took care to tell them in their commission that if they misbehaved they would forfeit not only their position but all their temporalities and their personal rights as Spanish subjects. Moreover, when, in 1483, he obtained from Sixtus IV. the remodeling of the Aragonese Inquisition on the Castilian pattern, he gratified his ancient grudge by procuring from the pope the dismissal of Gualbes, who was denounced in the papal brief as a son of iniquity, incapable, in consequence of his demerits, of holding the office of inquisitor and even of preaching.² It is easy to understand Ferdinand's insistence on having the officials of the new Inquisition dependent on the crown, and the papal yielding to so serious an innovation can only be explained by the desire of the Holy See to effect at last what had repeatedly been previously attempted in vain.

Many efforts had in fact been made since the thirteenth century to introduce the Inquisition in Castile, but they had all failed. Up to the fifteenth century this may probably be attributed to the tolerant temper of the people, their lack of interest in spiritual matters, and their jealousy of foreign interference. After the massacre of the Jews, however, in 1391 and the forced conversion of the survivors by wholesale, there was a marked increase of the persecuting spirit, directed first against the remnants of the *Aljamas*, or Jewish communities, and then against the *conversos*,

¹ Zurita, *Añales de Aragon*, Lib. XVII., cap. xxvi., xlii.; Lib. XVIII., cap. xxxii.

² Ripoll, *Bullar. Ord. FF. Prædicat.*, III. 622.

or new Christians, whose orthodoxy was not unreasonably suspected. Many of the latter rose to high positions in Church and State, and wielded no little political power in the disastrous reign of the feeble Juan II., leading to the first serious attempt to introduce the Inquisition in Castile. The all-powerful royal favorite, Álvaro de Luna, constable of Castile, in 1451 found a threatening opposition organized against him by the Santa Marías, the Dávilas, and other influential *conversos*, and it was doubtless as a weapon to be used against them that Juan II. was induced to ask Nicholas V. to appoint inquisitors to punish the numerous professing Christians who secretly practised Jewish rites. Nicholas eagerly grasped at the opportunity and promptly commissioned the Bishop of Osma, his Vicar-general, and the Scholasticus of Salamanca as inquisitors with full power to prosecute and punish without appeal all such offenders, even including bishops, who had always been exempt from inquisitorial jurisdiction.¹ Nothing came of the attempt, however; the times were too troublous, the opposition to de Luna developed, and in 1453 he was suddenly hurried to the scaffold.

Sixtus IV. was even more zealous than Nicholas to introduce the Inquisition in Castile, for, as will be seen by the following bull, he did not wait to be asked. It shows that, while yet the land was convulsed with the civil war between Isabella and her rival the unfortunate Beltraneja, he conferred, August 1, 1475, on his legate Niccolò Franco full powers as inquisitor to prosecute and punish the Judaizing Christians, and further to make a visitation of the religious houses and reform them — a duty which, if we may judge from the description of the Castilian church by the council of Aranda in 1473, was quite as much called for as the visitation of the English monasteries by Archbishop Morton in 1489. No trace of the labors of the legate as inquisitor are to be found in the documents of the period, nor could he be expected to accomplish anything in the existing condition of the country, even if Castilian jealousy had allowed him to exercise his powers. If he attempted it he doubtless met with a prompt rebuke, for the attitude of Ferdinand and Isabella was clearly manifested during Franco's legation when, in July, 1478, they assembled a national synod at Seville, and among the subjects presented for its consideration was how to prevent the residence of papal nuncios and legates, who not only carry much money out of the country, but interfere with the royal pre-eminence, to which the assembled prelates replied that it rested with the sovereigns who could do as

¹ Raynald, *Annal.*, ann. 1451, n. 6.

their predecessors had done in similar cases.¹ Fruitless as was the attempt made by Sixtus, it is not without interest as an expression of his desire to extend the papal Inquisition to a land which had hitherto successfully refused to enjoy its blessings.

HENRY C. LEA.

Sixtus Episcopus² servus servorum Dei dilecto filio Magistro Nicolao Franco Canonico Tervisino, nostro et apostolicæ sedis Notario et in Castellæ et Legionis Regnis Nuntio et Oratori cum potestate legati de latere, salutem et Apostolicam benedictionem. Cum sicut non sine displicencia in Castellæ et Legionis Regnis sint nonnullæ ecclesiæ, monasteria et alia loca ecclesiastica sæcularia et diversorum ordinum etiam mendicantium tam virorum quam mulierum regularia exempta et non exempta multipliciter deformata in quibus divinus cultus debite non peragitur et quorum personæ Dei timore postposita ad illicita fræna relaxant et variis se involvunt criminibus et delictis, sintque etiam quamplures tam ecclesiastici quam sæculares qui pro Christianis se gerentes intus vitam et mores Ebræorum servare et eorum dogmata sequi, et quod deterius est in illorum errores et infidelitatem prolabi non formidant ac alios ad ritus hujusmodi trahere continuo moliuntur, Nos qui te impresenciarum ad pacificandum Regna prædicta et nonnulla alia peragendum nostrum et Apostolicæ Sedis nuncium et oratorem cum potestate Legati de Latere destinamus, ecclesiarum, monasteriorum et locorum ac personarum ecclesiasticarum et sæcularium quarumlibet Regnorum prædictorum statui et animarum saluti consulere cupientes ut tenemur ac sperantes quod tu in quo timor Domini sanctus permanet, tuis industria, solertia et diligentia scies, voles et poteris super hiis omnibus opportune providere: tibi contra præfatos pro Christianis se gerentes qui ritus et mores imitantur Judæorum et illorum inhærent erroribus et quoscunque alios jurisdictioni inquisitoris hæreticæ pravitatis subiectos eadem qua inquisitores et locorum ordinarii uti possunt in simul potestate, jurisdictione et auctoritate utendi et de illorum excessibus et delictis ac quibuscunque causis et criminibus hæresim sapientibus cognoscendi illosque et quoscunque alios pro qualitate excessuum quos commiserint puniendi, necnon Episcopos, Abbates, Archiepiscopos et prælatos ac alias ecclesiasticas personas ad concilia provincialia et diœcesana convocandi, Monasteria et loca quæcunque dictorum regnorum exempta et non exempta et illorum personas in capite et membris visitandi, et quæ reformatione coercione et emendacione indigere cognoveris reformandi, corrigendi et emendandi, visitatas personas easdem quas culpabiles repereris juxta suorum excessuum exigenciam caritative puniendi et dignitatibus, administracionibus ac officiis necnon beneficiis ecclesiasticis quæ obtinent

¹ Concilio nacional de Sevilla, 1478, cap. xvi. (Printed by Padre Fidel Fita in the *Boletín de la Real Academia de la Historia*, T. XXII. pp. 220, 227, 242).

² Archivio Vaticano. Sisto IV.: Regest. 679, T. I., fol. 52.

et quibus præsunt Monasteriorum regiminibus privandi et amovendi realiter ab eisdem ac alias eorum loco substituendi et surrogandi, uniones, exempciones et privilegia etiam apostolica auctoritate concessa et quarumcunque dispositionum ex quibus divini cultus diminutio et animarum pericula proveniunt et quæ scandalum pariunt suspendendi moderandi et illos ac omnia quæ tibi impedimentum præstarent quominus commissum tibi officium exequi valeas eciam in totum de medio tollendi, et generaliter omnia et singula quæ Dei laudem, ecclesiarum, Monasteriorum et aliorum Religiosorum locorum et beneficiorum reformationem, tranquillitatem, prosperitatem Christifidelium Regnorum prædictorum concernere putaveris exequendi, auctoritate apostolica præsentium tenore concedimus facultatem. Tu igitur zelo Dei et magno animi affectu onus hujusmodi tibi commissum suscipiens diligenter omnia agas quæ pro omnium et singulorum salute videris expedire ita ut ex tuis laboribus optati fructus proveniant, tuque exinde apud Deum et homines valeas non immerito commendari. Dat. Romæ apud Sanctum Petrum, Anno Incarnationis Dominicæ Millesimo quadringentesimo septuagesimo quinto, Kal. Augusti, Pontificatus nostri Anno Quarto.

N. DE BENZIS.

COUNT EDWARD DE CRILLON

ACCORDING to mathematicians, every man carries with him a personal error in his observation of facts, for which a certain allowance must be made before attaining perfect accuracy. In a subject like history, the personal error must be serious, since it tends to distort the whole subject, and to disturb the relations of every detail. Further, the same allowance must be made for every authority cited by the historian. Each has his personal error, varying in value, and often unknown to the writer quoting him. Finally, the facts themselves carry with them an error of their own; they may be correctly stated, and still lead to wrong conclusions. Of the reader's personal error nothing need be said. The sum of such inevitable errors must be considerable. At the most moderate estimate the historian can hardly expect that four out of five of his statements of fact shall be exact. On an average every history contains at least one assertion of fact to every line. A history like that of Macaulay contains much more than one hundred and fifty thousand assertions or assumptions of fact. If the rule holds good, at least thirty thousand of these so-called facts must be more or less inexact. In regard to events of earlier history or of less familiar societies, the necessary error must be much greater.

The historian is properly responsible only for his own personal error, but this he can never calculate, since it is hopelessly confused with the conditions of his education, his society, and his age. His personal tricks of thought or manner he may sometimes recognize. One can imagine that Gibbon and Macaulay might even have been greatly annoyed by their own mannerism, had they been of a nervous temperament; but their personal error would have remained the same. Some historians are more, some less, inaccurate; but the best must always stand in terror of the blunders which no precaution and no anxiety for truth can save him from committing.

This subject acquires serious interest to any one who undertakes to teach or write upon History, because, of all objects of study, human beings are the most complicated and least easily

THE PREFECT OF THE DEPARTMENT OF THE GERS

TO

MONSEIGNEUR [THE DUKE DE RICHELIEU] THE MINISTER OF FOREIGN
RELATIONS.¹PREFECTURE OF THE GERS,
Auch, 1 March, 1816.*Monseigneur :*

The nomination of M. Hyde de Neuville to the Legation of the United States has suggested to me the idea of putting under your Excellency's eyes some papers which were seized at the domicil of a Sr. Soubiran of Lectoure, and a knowledge of which may interest the mission of His Majesty's ambassador.

This Soubiran is an intriguer of the first order, who, being son of a goldsmith of Lectoure, has successively played the roles of Colonel, Consul, Ambassador, and Chevalier of all the Orders. Pursued by the imperial police whom he had disturbed from Spain to Hamburg by his political or financial expedients, he finished by reaching the United States, where he contracted a kind of intimacy with an Irish major named Henry, whose name your Excellency will doubtless remember to have seen figure in the quarrel of the United States with England. It seems that this Major, having been charged with some political exploration by the chiefs of the English army, sold the secret of his mission to President Madison, and the memoir of Soubiran seems to show him as intermediary in that negotiation, of which he doubtless allotted to himself a good part of the price, since he returned to France with 70,000 livres of bills of exchange from Consul Lescallier, who treated him with intimacy, as did also M. Serurier, then Minister of France in the United States.

As all this medley [*tripotage*] seems to me to have some relation with the respective efforts of the two American parties which then respectively cultivated or combatted the envoy of France, I have thought necessary to communicate to your Excellency the verbose and romantic memoir of Soubiran, in which the simple or impudent avowals may, to a certain point, offer a presumption of truth.

I am with respect, Monseigneur, your Excellency's very humble and very obedient servant,

The Prefect of the Gers,
BROCHET DE DESIGNY.

If exactness of translation matters little, exact dates would be convenient, but the Prefect unfortunately did not mention whether Soubiran's papers had been just seized, or whether the seizure had taken place at some previous time. None of the papers seem to have been written later than 1814. The first is the memoir which the Prefect correctly described as

¹ *États Unis*, Supt. 2, 103.

t might to a certain
of Soubiran's papers
ccount of the episode
, be tested by other

Life.

re, I set out for Baréges.
my purse had need of
pères, where, two hours
, deceived for the hun-
and was immolated on
courage to remain until
ances from the Prefect
often disastrous to me
ure with 54 francs and
project was to pass the winter there, but when
r suit for a bill of exchange from Paris, I deter-
y services in Moldavia to the hospodar (Prince
I had relations ; and I remained only a few hours

gen I had drawn 18 francs on my fund, and I had
Bordeaux for 72 francs, when my faithful valet came
ste Marie, and to my great astonishment, brought me
at he borrowed of a certain lady whose loyal conduct
in my grateful heart.

puissant seigneur, I reached Bordeaux, where I received
e reception from all my friends. I left it, always filled
project. I stopped at Blois, where for two years I had
correspondence with a charming woman (Madame de La-
I wanted to find out whether amiability or trickery [*rouerie*]
ssence of her character ; and, in consequence, a carriage was
and four post-horses conducted me to the Chateau de la Savo-
er a note and my Gilbert had already preceded me.

aping from my carriage, I was met by a man who seemed to me
al, and generous. "M. de Soubiran," he said to me, "how glad
see you, and how happy I should be if my wife, who is waiting for
the parlor, could enjoy the same pleasure ! but for twenty years past
s been blind ! What happiness for us to receive among us him who
ected our son in Spain — that poor Albert ! He is prisoner in Eng-
!! He was taken in the affair of Ta— Ta— eh ! yes ! Talavera !"
I knew nothing about it ! No matter ! We arrived in the salon, where

¹ *États Unis*, Supt. 2, 102.

I found Mme. de Latour with two priests, a perfect contrast with the master of the place. A face gentle, angelic ; an air of dignity ; the tone, the bearing of candor and of modesty ; which would have inspired me if I had not every moment been recalled to my gay humor by M. de Latour, who appeared like a Jean Bart, a De Ruyter. "Monsieur," said he, "if you listen to Madame, she will talk to you of all the noblesse of the Vendômois, of the Orléanais, of the Gâtinais, of the Court of Guise, and of Francis the First. She knows thoroughly her French history ; but I beg you !— This affair belongs to these gentlemen. As for us, let us talk of war !" "But, monsieur," I said to him, "how is Mme. de la Jonquière ?" "She has been, for a month past, with Mme. de Staël. I have sent to inform her of your arrival, and if we do not all sup together this evening, to-morrow morning we shall breakfast together." Thereupon, supper was announced. "Monsieur is served," said Gilbert, who had already taken the direction of the household. But three or four great blows of the knocker announced the goddess of the chateau, who, after having embraced her mother, turned to me with the most proper and amiable tone and said : "Colonel, you will not be surprised at my impatience to come and receive at home the man who has deigned to protect that poor Albert, that good brother, tenderly cherished. Promise me to pass some months with us, and I shall believe that happiness has not totally deserted the Chateau de Savonière." I answered as I best could her charming politeness, but I could not weary of admiring her who spoke to me. In truth, I was transported ; I was among the angels ; I thought myself in fairyland. My costume suggested the adventurer a little [*prêtait un peu à l'aventure*] and my Frontin showed an alacrity for Madame which made it clear to the priests that he thought he was serving the future wife of his master. At length, the conversation turned on the Church. I edified everybody and became the idol of the mother. I made loud responses to the prayer, while Gilbert prayed like the rest, and we were on the road to canonization.

Soon I was presented to all the neighboring gentry, and I always ordered a post-chaise which seated Monsieur and Madame and Gilbert. Everybody talked of our future marriage, but I knew there was nothing in it. Finally, after having finished my projects, and colored with a pretext a loan of which I had need, I set out post for Paris.

The next day I arrived at the capital. I feared to remain there. My debts frightened me. I feared that my creditor there would prove less magnanimous than the noble family at La Savonière. I set out for Senlis, leaving Gilbert behind with two notes for two charming women, Mlle. Millièrès and Mme. Éléonore. They accepted my invitation and I spent for them 240 francs out of the sixteen louis that remained to me. It mattered much to me that two women *à la mode* should say in the *grand monde* that I was always generous and full of good graces. From there I went to Saint Omer and then to Roye, where my faithful Gilbert made acquaintance with the driver of a coach who was taking to Brussels Mme. de Mirecour, former canoness, who had just gained a lawsuit at Paris. Without tell-

ing me anything beforehand, Frontin woke me at four o'clock in the morning, by crying out : " Monsieur, they are harnessing the horses ! " I get up ; the bill is paid ; and I seat myself in a handsome carriage by the side of a heavenly woman. I saluted her so modestly that she afterwards told me the impression it had made on her. I will not enter into a longer detail ; it will be enough to know that her house became my hotel during a fortnight that I remained in Brussels. For my journey in Holland I had to accept a cabriolet, a box of wine, and Gilbert had 50 louis that were lent him for me.

I arrived at Amsterdam, where my stay offered nothing remarkable. Frontin went to visit Mme. de Mémoire. He promised to bring me to her, and was presented with a hundred ducats of which he said that I had need. I visited Groningen and arrived at the seashore ; there I found Admiral Devanter, who was my intimate at Paris. I saw, and was presented by him to General Miollis. He gave me letters for the generals of brigade who were at Emden, where I was received as Prince Frederick would have been if the garrison had been Prussian. I was lodged with the richest merchant ; I gave fêtes ; the generals and all the officers came to them ; the music of the regiment played all night, and I lost harmoniously all my money. That honest banker offered me some ; I accepted it ; and after two weeks' stay I came to Oldenburg, bearer of a letter for General Soligny. I passed there two days and dined alternately with the General and with the Prince, who sent me in one of his carriages as far as Bremen, where I had calculated a stroke of contraband which would have brought me 80,000 francs. But the secret ways of Providence confound the projects of mortals. Accordingly I had to quit Bremen and go to Hamburg. The evening of my arrival I gained a thousand ducats ; the next day I won again, so that my stay in that city was the subject of every conversation. I was summoned by the Governor,—the antagonist of the Prince of Sweden. " I am on my way to Stockholm," I told him, " to claim or solicit service." " Where are your orders ? " " I am going to deserve them." My answers did not appear to him conclusive ; he ordered two gendarmes to keep watch on me. The evening of the next day I shook off the yoke, abandoning at midnight my wardrobe and my money. I took without knowing it the road to Copenhagen ; I made ten German leagues on foot, and hired a carriage which took me to Kiel, where I presented myself to the Maréchale de Lowendal. Some recommendations for Copenhagen, and 250 guineas, put me in condition to continue my journey. I visited Stockholm without succeeding in my projects. I came to Gottenburg, and from there to Frederikstad. I visited devoutly the tomb of Charles XII. ; and the 15th March I embarked for Carolina. Hardly ten days at sea we were taken by the *Formidable*, an English seventy-four. I was a passenger, and Spanish, I said ; so I obtained liberty to go to London. I recalled to mind that the man, who, two days before quitting in 1801 the city of Paris, had won from me 30,000 francs, and who the next day, having lost £ 10,000, ran away without paying me, — I recalled, I say, that he lived in London, and

I resolved to make him fight, or to obtain an indemnity. I called on the father of the young man ; I made my demand, and complained of his want of delicacy with so much force that the son took it up with insolence. On my promise to fight a duel with him the father gave me an order on the bank, at sight, begging me not to pay attention to his son, or he would call in the police. "I am all right, sir," I said, "and here is my permit of residence in London." Then I showed him my Spanish permit, which luckily he did not read. The next day I was waked by order of this brave young man who waited me in the park. I loaded him with insults, and my quarrel changed object. I put a pistol-ball through his shoulder, and got as recompense the order to quit London under penalty of transportation. I made nothing of it, and came to Brighton.

I was on the point of departure for the United States when M. de Crillon Partorias, with whom I had relations, begged me not to abandon him. I was entirely master of his mind ; I read him the Holy Scriptures, more devout than the Grand Inquisitor. Soon he had gout in his stomach and made me heir, by testament, of his name, of all his property, and of twelve hundred quadruples [doubloons]. This adventure made some noise. The ambassador wanted to have the will broken, but it was in good form.

Then I quitted Brighton and went to the Isle of Wight, where I remained incognito until the moment when I sailed for the continent of America. I made acquaintance with the passengers. Of this number was Major Henry, a young Irishman, a very handsome man, but with an air of melancholy showing some secret trouble. Soon our acquaintance became intimate, and after some weeks of voyage we confided in each other our most secret thoughts.

"For twenty years," said he, "I have lived in America, where I was taken under the care of a rich and powerful uncle named Keane. Quite early I pronounced against republics. The English government was not slow in offering me employment. Young, ambitious, I seized the opportunity, and at first went to Quebec, where I agreed with the Governor of Canada on my plan of conduct. I had served in the American army ; I had many partisans there. Since my marriage I had studied law ; and I was about to succeed in dividing the five States of the north, — in separating them from the American Union, — when the affair of the *Chesapeake* occurred. After that event I returned to England, where I was invited to go back and continue under George Prevost what I had commenced under his predecessor ; but my enthusiasm was destroyed. I had visited Ireland, and seen her destruction ; our palaces turned into prisons, our mansions into barracks, and our best citizens loaded with the chains of despotism."

I profited by this avowal. I discovered the discontent that seemed to animate him, and I turned to the profit of France what was intended to destroy her cause. I neglected neither promises nor hopes, and at last, master of all the correspondence, of the official despatches, I reached the continent of America. Arrived at Boston, I wrote to the ambassador my situation and the treasure of which I was depository. I received from him

the most flattering letter and the invitation to go to Washington, the seat of government. I arrived there and was at once presented to the President and all the ministers. The French Legation became my hotel, and when the government offered a million to possess the treasure, I offered it for nothing. — "Restore me to France! Let me die in my country — close the eyes of my old mother — there is my recompense, one that no treasure could equal!" All was solemnly promised me. I fought with Thompson, with Derby. I saw the Embargo decreed which was to furnish the army of Portugal; and, made bearer of despatches by the government and by the French ambassador, I set out to present myself to the Duke de Bassano. After a long but fortunate passage, after having burned at sea several English and Spanish vessels, I was set ashore at Santander. I deposited my despatches with the French Consul, and put to sea again to reach Sauterne (?). A column of two thousand men escorted me in safety to Bayonne, where, when I was stepping into my carriage, I was recognized by a vile saddler whom I had the bad luck not to employ. Gendarmes seized my despatches, my gold, my effects, my servants; and I was alone, flying persecution, tyranny. When I looked for the highest recompense, I found myself naked, despoiled, and prevented from rendering account to his Majesty of the important situation of the United States, of the wishes of the Canadians, of the inhabitants of Nova Scotia; and a warrant issued against me obliges me to appear a criminal or a coward when I am far from either of these hypotheses.

Mr. Dervilliers, never could an agent of England have served his ministry better!!! What is to be done! I groan and I suffer. I wait an answer from the government, and I must add this loss to those I have already suffered. The American government will indemnify me; but I fear that it may turn its arms, and that its system, reuniting itself with the English system, may make the imbecile agents of so many disasters repent. This is what pains and afflicts me, and what destroys the fruit of my labors beyond the Atlantic. The wretches, dividing my spoils, will dig the tomb of the French cause in America, and I shall cry out with truth (since they believe me to be loaded with gold): *Auri sacra fames, quid non mortalia pectora cogis!!*

Conclusions.

I left Lectoure with 54 francs and I have travelled like a prince, covering more than 7000 leagues in the two worlds. Except one apostolic day, I have always had a good carriage and at least three domestics. During my residence in America, I always had a deposit of near \$40,000 in the Bank of the United States. There remained to me, after having finished my operations, a carriage valued at 11,000 francs, at least; before my disaster at Bayonne, effects or money, 50,000 francs; in letters of change, one of 69,000 francs, the other of 84,000. Total, 214,000 francs, with which I was withdrawing to my country, happy to have served it, and hoping from the French government a reimbursement of 200,000 francs

that I had spent, without ever having received a sous from any government whatever. Who will undertake an equal task and obtain the same success? It will not be I! Nevertheless, I leave, still, friends and claims on the continent. Yet I am here, unhappy and without a sous. I have been wrecked in port, like a bad pilot; but I can only admire the secret ways of Providence, and in my ecstasy, I cry, *O Altitudo!!!*

Soubiran was a lineal descendant from that society which the Spaniards called *picaresque*, and which had a literature of its own. The French adopted it from Spain, and Gil Blas made it famous throughout the world. Soubiran was a Gascon, and must have been a more or less plausible rogue; for, although his stories contradicted themselves in every other sentence, and were so numerous, so long, and so detached that he could, with the best of memories, hardly have repeated any one of them accurately, he lived in an age of adventurers far more successful than himself, and seems never to have been publicly exposed in the good society whose scrutiny he challenged. At Washington, he went directly to his minister, Serurier, who should have penetrated his character at once, yet Serurier wrote despatch on despatch about him, without once seeming to appreciate that the man was merely a common swindler. Serurier's letters were hardly less amusing than Soubiran's impostures.

SERURIER TO THE DUKE DE BASSANO.¹

No. 45.

WASHINGTON, 8 Feby., 1812.

Monseigneur :

I received, some time ago, a letter dated from Boston, signed Édouard de Crillon, in which this traveller informed me that he had escaped from England, that he had just arrived in the United States, and that on his journey he had had the good fortune to form an acquaintance with a person employed by the English government in a secret mission to New England; had become master of his secret, of his papers, and that they were of a nature to produce an immediate explosion between America and Great Britain; and that he had sworn to make me their depository. The letter was of a style somewhat romantic, and although the traveller's name was certainly very fine and very French, it might cover a trap, and I thought that everything which came from England should be received by me with great circumspection. The traveller begged me to send my answer to New York under cover to the Consul General, whom he would see in passing. I wrote to M. Lescallier to examine the new arrival; to send him to me if he was in fact M. de Crillon; and in the contrary

¹ *États Unis*, Supt. 2, 95.

case to dissuade his coming. M. de Crillon arrived here ten days ago. He came to see me. He talked to me with enthusiasm of his Majesty the Emperor; of the happy times when he had the honor of serving him; of his own faults; of the wrongs of which he felt himself the object, and which, reducing him to despair, had led him to fly to England in want of a better asylum. He told me that there he had received letters from his family which made known to him the just anger of his Imperial Majesty, and which gave him to understand that he could hope for no pardon unless he quitted that enemy's country and went to wait, in America, the return of the imperial favor which his family would not cease to implore; that when in London he had met Baron d'Ebeut, aide-de-camp of the Prince Regent, whom he had formerly seen in Germany, and who, having recognized him, made him every sort of caress and the offer, difficult to refuse in his position, of presenting him to his Royal Highness. He says that the Prince Regent received him with every possible kindness, and, judging that in his disgrace he might be disposed to change sides, offered him the command of the Legion of Estremadura. M. de Crillon had in his hands the letter in which M. d'Ebeut reiterates to him this offer, in the most flattering terms. M. de Crillon says that he answered the Prince Regent (in the impossibility of giving a positive refusal, which would very certainly have compromised his safety) that he would reflect on the proposition that his Royal Highness deigned to make him, and that he would at once let M. d'Ebeut know his decision. From that moment M. de Crillon says he had no other thought than flight; no other intentions than that of obeying the views of his family and the inspirations of honor, which did not permit him to make a longer stay among the enemies of his sovereign. A famous hunt [*chasse*] was preparing in Scotland; he announced that he would be there; he hired an apartment in London for six months, and profiting by the security which these demonstrations should inspire, he went secretly to the Isle of Wight, where he knew that a ship was going to sail for America, and he embarked. . . .

To some extent, Serurier was blinded by his own suspicions. He could imagine no theory to account for this extraordinary personage who bore one of the best names in France, except that he was a British political agent. The British minister, Foster, could see in him only a French agent. The idea that he might be merely a private gambler and swindler was so improbable that they did not readily grasp it. As for Madison and Monroe, whose knowledge of such characters was small, and who found themselves in the hands of two adventurers at once, when one would have been more than enough, they seem to have taken Soubiran quite seriously. Even Gallatin made no apparent protest. They were blinded, in their turn, by the unquestionable genuineness of Henry's documents. Crillon asked nothing, and professed sub-

lime unselfishness. He seems, in fact, to have contented himself with only a thousand dollars of the fifty thousand which Henry got from the United States Treasury. The rest of his money must have come from other sources, and perhaps was really gained, as he said, by making an imbecile old man sign a will in his favor. Probably there was a certain amount of truth in his representation that his chief object was to obtain readmission to France. Harebrained as such adventurers are apt to be, he may have hoped to win the favor of the French police by rendering a service to French diplomacy. He certainly won Serurier's favor, who did his best to help the man, and, to judge from Caraman's version of the story, was ashamed of it afterwards. Serurier obliged Crillon to narrate a foolish farrago about the cause of his disgrace with the Emperor, and gravely reported it all to his government. Serurier himself added something very near a recommendation to favor:—

SERURIER TO THE DUKE DE BASSANO.¹

No. 46.

WASHINGTON, 18 Feby., 1812.

. . . This, Monseigneur, is what M. Crillon has been willing to reveal to me. Your Excellency will understand that I have no means of verifying it. Moreover, I see no absolute necessity for verifying it, as M. Crillon asks nothing of me. Why should I have taken a trouble of that kind? Only in France can one know what truth there is in his version, and only there can it be judged. . . . I have presented him nowhere. I have publicly declared that the motive of my reserve in this respect was that he had not, according to usage, brought letters from your Excellency. I have made this declaration before the whole ministry; but as he has been received and dined [*accueilli, fêté*] at the President's and by all the ministers, I have thought that, in order not to discredit the offer he made to the administration, I should occasionally receive him myself. I have, therefore, received him, but at the same time repeating that it was not as a Frenchman, since I could not do so owing to my official ignorance of his position as regarded my Court; but as a man who, as the government of the Republic declared to me, had rendered it a signal service.

On arriving at Washington, M. Crillon, to escape better the suspicions of Mr. Foster, thought proper to call upon him. He even dined there, but this British minister, who had probably been informed of his brusque flight from England, said to the other guests, at the moment he left the room: "There is a spy of the Emperor!" This was told to M. de Crillon, who wrote on the instant the harshest and most insulting letter to Mr. Foster that ever was read. The latter answered with a moderation assuredly very

¹ *États Unis*, Supt. 2, 98.

rare. This correspondence being shown by M. Crillon to all the ministers has made Mr. Foster ridiculous in all eyes. Since that time M. Crillon has never set foot in his house, and has kept up the same line of conduct. He always speaks with the same enthusiasm of the Emperor, of his love for France and his family with the liveliest tenderness. He appears to regret his faults, whatever they may be. I received him at first with extreme distrust and put myself quite beyond reach of any trap, giving nothing in writing and sending him to the Secretary of State. But I must admit that I believe now in the sincerity of M. Crillon's regrets. Not but that there is always something of romance in his stories, sometimes contradiction in the details of his adventures. But it seems to me very hard to doubt the substance. The man has such an exaltation of brain, he shows so delicate a sense of honor, that one cannot suppose him engaged in a double intrigue. Moreover, it could be only the American government that could be deceived. I have declared to Mr. Monroe that I guaranteed nothing; that it was for him to verify the documents that I have not even asked to see, and to establish their authenticity. Every verification has been made. They have compared the English seals and the known handwritings. Mr. Pinkney, Attorney-General, recently arrived from England where he was Minister of the Republic, has been called in. He has verified everything. The greater part of the facts contained in that correspondence were known to him, and there remains no doubt in the mind of the administration.

. . . The bargain was concluded on the 7th. The papers are in the hands of Mr. Monroe. Mr. Henry at first asked £25,000 sterling, and the Secretary of State granted it; but on examining the affair afterwards with the Secretary of the Treasury, it appeared that the President could not dispose of more than \$50,000 for secret service. Mr. Monroe offered to give that amount first, and to pay the rest after publication, with the necessary approval of Congress. This clause displeased Mr. Henry, who declared that he would rather burn the papers than haggle over them so. As he is a very violent man, they took alarm. M. Crillon said that he thought the price too high, and that he would persuade his friend to come down to £18,000 sterling, but the same difficulty remained for the £8000 in excess of the \$50,000. Mr. Monroe put the whole negotiation into his hands. Mr. Henry remained inflexible. M. Crillon announced that he would supply this deficit by his estate of St. Martial in Spain which he valued at 200,000 francs, and which he ceded to his friend. As I found this proceeding a little too handsome to be natural, and as I showed some astonishment, M. Crillon told me that he considered the success of that affair as the only means of recovering the good graces of his Majesty, and that, with this idea, nothing cost too much; moreover, that he thought he could wait until the Republic should indemnify him for this sacrifice. I thought it not my business to exaggerate doubts on such motives, and said no more.

Mr. Henry has gone to New York, whence he is to sail within a few days on a government vessel. He had asked to pass to England, under pretext of business, and to make talk of this event through the channel of

his friends. Mr. Monroe communicated this project to me. I told him that this seemed to me too refined for its object ; that letters would do quite as well ; that Mr. Foster, informed of his arrival here, must have notified them in London, and that I saw no attraction that could make him want to go to a country where, supposing he had acted in good faith here, he would risk being hanged. The project seems to be given up. He will be sent to France. . . . M. Crillon has gone to Philadelphia, where he proposes to pass three or four days with Count Pahlen, last minister of Russia in America, and who has not yet started for Brazil. He knows the Count and announces that he is going to talk about his brother who is in the Russian service. On his return he has promised to hand me the memoir which he addresses to your Excellency by my advice.

Serurier's letter was written February 18. At that time both John Henry and Crillon were in Philadelphia, whither they had gone after concluding their bargain on the 7th, and obtaining the Treasury warrants for \$50,000, dated and paid on February 10. Henry went on to New York and sailed for France on the sloop-of-war *Wasp*, March 10. Crillon returned to Washington and wrote letters for France.

SERURIER TO THE DUKE DE BASSANO.¹

Monseigneur :

I have the honor to address to your Excellency the letter that M. de Crillon wrote to M. the Duke of Elchingen. I have thought it best that whatever relates to this affair should pass through your Excellency. For the same reason I permit myself to place under this cover two other letters written by that officer, one to his Highness Monseigneur the Vice Grand Elector, and one to the Minister of General Police.

I am, etc.,

SERURIER.

WASHINGTON, 24 Feb., 1812.

The letter to Ney is a long medley, without present interest, and bearing no date. The letters to Sieyès and Savary are more curious. For some reason best known to himself, Soubiran dated them at Philadelphia, — although on those days he was in Washington, — and signed himself, not Crillon, but Émile Édouard.

SOUBIRAN TO THE VICE GRAND ELECTOR SIEYÈS.¹

PHILADELPHIA, 5 Feby., 1812.

Monseigneur :

Your Highness had sent me to Malta with Méchin. This was a crime in the eyes of the Directory. The hatred of Barras

¹ *États Unis*, Supt. 2, 100. ² *États Unis*, Supt. 2, 94.

pursued me ; prejudiced Regnaud and Vaubois against me ; I was threatened with arrest ; I should have been arrested, and then shot, if my friend Subervie had not warned me. I was then at Cività Vecchia. The unfavorable impressions have followed the subsequent government. Younger, more adroit, I had carried off some mistress from the Director ; I had thrashed that scamp Davis, who was his aide-de-camp. *Inde ira !*

Since that time I have been voluntarily in the army. I have been employed there as a superior officer by Belliard and Ney, and I was bearer of a letter from Lannes to be named by King Joseph his confidential aide-de-camp. I arrived. I was, perhaps, not enough of a courtier. I went straight to my new master. The Sasignys, the Jourdans, etc., took umbrage. I was forgotten. My letters remained without answer, and I was dropped. Nevertheless, I was despatched to his Imperial Majesty at Bordeaux. I warned him of the rage of the Spaniards, of their infamous plans, and their audacious courage, the disastrous effects of which tended to nothing less than to plunge France into mourning and despair. I received the order to withdraw, but I enjoyed the indelible happiness of delaying the entrance into Spain, where I had rendered a thousand services to the cause of his Majesty.

Since that time a mark for an infinity of persecutions, I have been obliged to quit France and assume every sort of mask. When shall I obtain the favor of returning to my country ? This harrowing idea paralyzes all my actions.

Your attachment to the person of his Majesty obliges me to inform your Highness that there will arrive on the continent an audacious English agent named Major St. Adrien or Major Henry. For more ample information, I shall have the honor to write to your Highness on the departure of the vessel which will carry this savage [*ce barbare*].

I am occupied here in causing war to be declared against the English, in overcoming the apathy of this government, and in making the English minister decamp. What I can do I hope to announce to your Highness within twenty days. I will write you then in great detail. I am obliged at present to do it in a great hurry.

No indiscretion or inquiries ! The good that comes in sleep, — one does not inform oneself of the hour it will arrive.

Your very respectful

ÉMILE ÉDOUARD.

This secret denunciation of Henry adds another touch to the comedy of Crillon. One is at a loss to understand precisely what idea was in the writer's mind, but probably it was nothing more than to give himself importance in the eyes of the French police ; for the letter to Savary, the Emperor's Minister of Police, repeated the warning.

SOUBIRAN TO THE DUKE DE RIVIGO.¹

PHILADELPHIA, 10 Feb., 1812.

Monsieur :

I love the Emperor as much as you. I have a thousand times exposed my life, and have never received or required recompense. Your Excellency will recall my letters from Bagnères, my last from Hamburg. I desire that your Excellency should some day bear in mind that nothing is dearer to me than my country, and that I am the most zealous and the most faithful subject of Napoleon the Great.

Confidentially.

I have only time to inform your Excellency that there will arrive on the coasts of France a man, agent of England, bearing the name of Major St. Adrien, or Major Henry, about thirty-six years old, blond, about 5 feet 9 inches in height, who must be put under surveillance and severely confined. He knows how to take all colors, and is sent to commit the most frightful crime [*attentat*.]

I dog his steps, and I will inform your Excellency of his determination, of the name of the vessel and of the captain with whom he crosses the Atlantic.

I hope before April 1st to have decided this country to war with England. I shall have the honor to inform you of it. Your Excellency will know how to reward a devoted servant and a faithful subject.

ÉMILE ÉDOUARD.

Your Excellency will remember that I was Colonel on the staff and met you travelling ; but you will never know to what a point my devotion goes ! Above all — discretion ! It is necessary that I should succeed, and my confidence has no other interest connected with you than that of interesting you in order that I may be permitted to finish my days in my country when I shall have recourse to your goodness. Any indiscretion on your part destroys my success, and it will be your fault alone that the English party is not entirely annihilated.

Beside these letters, Soubiran wrote another, and a long one, to Maret, Duke de Bassano, Napoleon's Minister for Foreign Affairs. This letter, which is dated Washington, February 22, 1812, contains a further tissue of inventions, but is remarkable for the strange impudence with which the writer challenged his fate with the police. He not only signed himself Édouard de Crillon, but claimed permission to return to France in consideration of the sacrifice he had made of his estate of St. Martial — an estate which the Duke de Bassano, in a few moments, by inquiry from

¹ *États Unis*, Supt. 2, 97.

the Duke de Crillon, could and did assure himself never existed; and not content with this, he begged the Duke de Bassano to unite with the Duke d'Elchingen "who has been witness of my military conduct," — which the Duke d'Elchingen, in still less time, would declare wholly imaginary.

Such was the actual result. Soubiran sailed from New York, May 28, 1812, and on his arrival at Bayonne was promptly arrested. His subsequent adventures are unknown, but among the papers seized by the police at some later persecution of this interesting citizen was the draft of a letter written, or intended to be written, to John Henry in 1814. Apparently both of them were in Paris in the early part of July of that year. Soubiran was dogging Henry, presumably to get money from him, for Soubiran was then penniless and could hardly have had any other object. Nevertheless, through Soubiran's rags, the old tone of Gascon grandiloquence talked as loftily as ever. The nature of the transaction which he proposed to Henry is something for the curious seekers of puzzles to explain if they can; but certainly one would like to know whether Monroe ever gave him the smallest hope of obtaining more money from the United States Treasury.

SOUBIRAN TO HENRY.¹

. . . July, 1814.

Sir:

When I wrote to you in America, you were in Paris; this is doubtless the reason why I have never heard from you. I have no need to tell you how much I have been annoyed not to have been able to get an interview with you, although I followed you step by step for more than two hours, the evening of Saturday, July 2, at the moment when you were talking with a woman, doubtless on important affairs, — for I had neither the power nor the faculty to wait longer than midnight. Nor was I sure it was you, since I thought I saw you with a black band over one eye, which I learned with regret that you had lost. Now I turn to our affairs. When I had the pleasure of meeting you at Ryde in the Isle of Wight, I was in hiding from everybody. The decree of death that Buonaparte had issued against me rested on my head. I had avoided it at Hamburg only by getting rid of a gendarme. Bernadotte refused me an asylum; set a price on my head to please the puissant idol of the world; and I had no doubt that emissaries of that savage would have conceived the plan of destroying me in England if I had been discovered in that situation. Hidden in the shadow of my mother's name, we became friends! You complained to me of the British government. I told you all I had suffered from that of Napoleon; and we conceived the project — you, of revenging yourself on

¹ *États Unis*, Supt. 2, 102.

those who had, as you said, outraged your interests ; while I found it best, since it enabled me, not indeed to return to favor with a monster whom I have always detested, but at last to reopen the door of that fair France which I never found elsewhere in my travels.

It is useless for me to recapitulate here all I did to obtain the result which brought you fifty thousand dollars. I sacrificed my existence, all that man holds most sacred. You lent me a sum of some thousand dollars, which it is out of my power to repay, since Vigaroux, who kept rather a large amount for me, died my debtor, and I can obtain none of it. In this situation you set out for Europe, and I remained exposed to all the vexations of the two parties ; a mark for all their sarcasms. I had to fight with Willing, with Colonel Roussel, and I was nearly assassinated in New York by an English party.

You were at Paris when I sailed, bringing an order enclosed in Monroe's despatches for Barlow to pay me 84,000 francs ; but instead of coming to Paris, I was arrested on landing ; all my effects were seized ; my properties were sold ; and my brother was thrown into prison, whence he came out only a few weeks ago. In this frightful situation, I did not know to what saint to turn. England could not offer me an asylum ; yet I was constrained to go there, after being shipwrecked at Gibraltar ; and on my arrival, though I travelled under my own name, I was recognized, and Foster instructed the government of all my movements. I was taken at Abbé Rouffigny's, Castle Street, and thrown into the prisons of Tothillfields, where I remained 213 days because I refused to tell what would have irrevocably destroyed you (even at Paris). Returned to my country, deprived of all assistance, I learn that you have complained of me ; and of what, I pray ? Because I have not destroyed you in England ? because I have caused you to get fifty thousand dollars in America ? finally, because I still persist in my loyal conduct towards you ? Oh, if it is those thousand dollars that you gave me when you were gorged with gold ! then I shall say to you : *Ad impossibile nemo tenetur*, since I have no longer a sous ; but if you want the despatches that I had saved with the order of Monroe to count me down that sum, even if you want to return to America, I offer it to you, and, in offering it, I do all I can do, since I have never mixed in your affair except to gain a right to return to my country, which the return of my sovereign has incontestably restored to me.

This is, sir, all I can do in this affair, and you will have the goodness to return me the effects of mine which you have, and my declarations of relinquishment. On my part, I should have crossed the Atlantic only to preserve the most flattering idea of you ; but if, contrary to my expectation, you reject this arrangement, do not blame me for taking the step of publishing my situation with all your letters, notably that in which you tell me that I am an extraordinary man since I have decided those wretches, that you have seduced, to keep their word, and that all your ambition is that we may meet in Paris to laugh at the expense of these wretches, who tremble for a bagatelle of ten thousand pounds sterling ! — What a government !!!

I am much of your mind ; but I think, too, that nobody will blame me for the course which I should be obliged to take, and which I have till now refused to take, for considerations which were personal to you and were equally repugnant to my delicacy and my honor.

Obliged to quit Paris for some time, I have charged M. — with my full powers to terminate this affair. When I return to the city, I shall be happy to renew an acquaintance formed under very unfortunate auspices, but such as have always opened for the future the perspective of what one may attain when one is aided by your counsels and your genius. I beg you never to doubt the distinguished sentiments entertained for you during life by

Your very, etc.,

E.

HENRY ADAMS.

I

The country exhibits three phases of growth. First came the period of the application of European men, institutions, and ideas to the tide-water area of America. In this period of colonization, English traits and institutions preponderated, though modified by the new American conditions. But the constant touch of this part of the country with the Old World prevented the modifying influences of the new environment from having their full effect, and the result now seemed likely to produce institutions and men that were but modified shoots from the parent tree. Even the physical features of the colored Americans are described by the writer as colored days as English, the bodily conformation, without deviation or variation, as a study of expression, the lack of nervous energy. The writer insists that our growth begins with the crossing of the Atlantic, and he explains the importance of the crossing of the Atlantic as the first step toward the "American" mind. The writer stresses the importance of the crossing of the Atlantic as the first step toward the "American" mind. The writer stresses the importance of the crossing of the Atlantic as the first step toward the "American" mind. The writer stresses the importance of the crossing of the Atlantic as the first step toward the "American" mind.

ment : the free lands are gone, and with conditions comparable to those of Europe, we have to reshape the ideals and institutions fashioned in the age of wilderness-winning to the new conditions of an occupied country.

Not only is our own development best understood in connection with the occupation of the West ; it is the fact of ~~unoccupied~~ territory in America that sets the evolution of American and European institutions in contrast. In the Old World, such institutions were gradually evolved in relation to successive stages of social development, or they were the outcome of a struggle for existence by the older forms against the newer creations of the statesman, or against the institutions of rival peoples. There was in the Old World no virgin soil on which political gardeners might experiment with new varieties. This America furnished at each successive area of Western advance. Men who had lived under developed institutions were transplanted into the wilderness with the opportunity and the necessity of adapting their old institutions to their new environment, or of creating new ones capable of meeting the changed conditions.¹

It is this that makes the study of Western state-making in the Revolutionary period of peculiar interest. In the colonial era the task of forming governments *in vacuis locis* fell to Europeans ; in the Revolution the task was undertaken by Americans on a new frontier. The question at once arises, How would they go about this, and on what principles? Would they strike boldly out regardless of inherited institutions? Would the work be done by the general government ; by the separate states that claimed the jurisdiction of these unoccupied lands ; or by the settlers themselves? To collect the principal instances of attempts at the formation of states in the West in this era, and briefly to consider the relations of the movement as a whole, is the purpose of this paper. An attempt will be made to interpret the movement from the point of view of the backwoodsmen.

Three types of colonial government are usually mentioned as having flourished on the Atlantic coast : the charter colonies, outgrowths of the trading company organization ; the proprietary, modelled on the English palatinate ; and the provincial colonies, which, having been established under one of the forms just mentioned, were taken under the government of the crown, and obliged to seek the constitutional law of their organization in the instructions and commissions given to the royal governor. In all

¹ "The Significance of the Frontier in American History," *Report of the American Historical Association*, 1893, p. 199.

these types the transformations due to the American conditions were profound. Colonial political growth was not achieved by imitating English forms, but by reshaping English institutions, bit by bit, as occasion required, to American needs. The product had many of the features of an original creation. But in one type of colonial organizations, which has usually been left out of the classification, the influence of the wilderness conditions was especially plain. The Plymouth compact is the earliest and best known example of the organization of a colony by a social compact, but it is by no means exceptional.¹ In Rhode Island, Connecticut, New Haven, New Hampshire, and elsewhere, the Puritan settlers, finding themselves without legal rights on vacant lands, signed compacts of government, or plantation covenants, suggested no doubt by their church governments, agreeing to submit to the common will. We shall have to recur to this important type of organization later on in our study.

When the tide-water colonial organization had been perfected and lands taken up, population flowed into the region beyond the "fall line," and here again vacant lands continued to influence the form of American institutions. They brought about expansion, which, in itself, meant a transformation of old institutions; they broke down social distinctions in the West, and by causing economic equality, they promoted political equality and democracy. Offering the freedom of the unexploited wilderness, they promoted individualism. One of the most important results of the rush of population into these vacant lands, in the first half of the eighteenth century, was the settlement of non-English stocks in the West. All along the frontier the Palatine Germans (Pennsylvania Dutch) and the Scotch-Irish Presbyterians ascended the rivers that flowed into the Atlantic, and followed the southward trend of the valleys between the Blue Ridge and the Alleghanies. These pioneers were of different type from the planters of the South, or the merchants and seamen of the New England coast. The

¹ The covenant of the settlers of Exeter, New Hampshire, in 1639, is typical. "Wee, his [Charles I] loyall subjects bretheren of the church of Exeter, situate and lying upon the river of Piscataquacke, with other inhabitants there considering with ourselves the holy will of god and our owne necessity, that wee should not live without wholesome laws & government amongst us, of wch we are altogether destitute doe in the name of Christ & in the sight of god, combine ourselves together to erect and set up amongst us such government as shall be to our best discerning agreeable to the will of god, professing ourselves subject to our sovereign Lord King Charles, according to the liberties of our English colony of the Massachusetts," etc. *N. H. Provincial Papers*, I. 132. Compare Osgood, in *Political Science Quarterly*, March, 1891; Borgeaud, *Rise of Modern Democracy*; J. Adams, *Works*, IV. 110; Jefferson, *Works*, VII. 407; Wells, *Samuel Adams*, I. 429.

Scotch-Irish element was ascendent, and this contentious, self-reliant, hardy, backwoods stock, with its rude and vigorous forest life, gave the tone to Western thought in the Revolutionary era. A log hut, a little clearing, edged by the primeval forest, with the palisaded fort near by,—this was the type of home they made. As they pushed the frontier on, they held their lands at the price of their blood shed in incessant struggles with the Indians. Descendants of men who had fought James II., they were the heirs of the political philosophy of Knox and Andrew Melville. Their preachers, with rifle at the pulpit's edge, preached not only the theology of Calvin, but the gospel of the freedom of the individual, and the compact theory of the state. They constituted a new order of Americans. From the social conditions thus created came Patrick Henry, and at a later time, Andrew Jackson, Calhoun, and Abraham Lincoln. These social conditions gave us the heroes of border warfare, and the men who, in the Revolutionary times, demanded independent statehood for their settlements.

By the middle of the eighteenth century it had become evident that the engrossing of the eastern lands would induce the rising tide of population to flow across the Alleghanies. As the Old World had produced the tide-water area with its modified English institutions, so the thirteen colonies were now to produce states on the Western Waters, and a political life still more transformed. A multitude of propositions for great land companies, and for new colonial governments in the trans-Alleghany lands, showed a consciousness that the advance was at hand. Fearful of arousing the Indians, and apprehensive that the advance of settlements would withdraw the colonists beyond the reach of British government and trade, the king issued a proclamation in 1763, forbidding the granting of lands or the making of settlements beyond the sources of the rivers that fall into the Atlantic. But neither crown officers nor colonists acted on the theory that settlement was to be permanently excluded. In 1768, at the treaty of Fort Stanwix, the Six Nations ceded to the crown whatever title they had to lands between the Ohio and the Tennessee. At the same time they conveyed to Baynton, Wharton, and Morgan, a firm that traded with the Indians around Pittsburgh and in the Illinois country, a tract comprising about one-fourth of the State of West Virginia, as now constituted. This tract lay between the Little Kanawha and the Monongahela, and was named Indiana. On the basis of this grant a more extensive and ambitious company was formed, which absorbed the Indiana company and the former Ohio company and included such men as Franklin in its list of members.

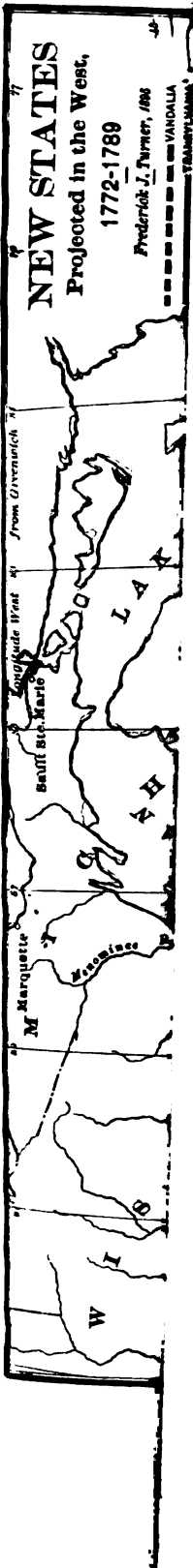
After a persistent effort it gained from the Lords Commissioners of Trade and Plantations a report in 1773, recommending the grant of an immense tract, comprising nearly the present state of West Virginia together with that part of Kentucky east of a line from the Potomac to Cumberland Gap.¹

All of this area was to be erected into a new colony and to bear the name of Vandalia. It was reported in the American newspapers that the seat of the government was to be at the mouth of the Great Kanawha, and that Mr. Wharton, of Philadelphia, was to be the first governor. Although all of the process of transfer, excepting a few formalities, had been effected, the outbreak of the American Revolution put a stop to the grant. The company soon appealed to Congress, urging that body to assert its right to the crown lands as the property of the whole Union, and to confirm the Vandalia grant. The intrigues of this company had a marked effect on the actions of Congress, and of the Western settlers; and its career is also interesting as illustrating the English policy. At the time when settlement was beginning to cross the Alleghenies, and on the eve of American independence, England had announced her intention to govern the West through great proprietary companies, headed by wealthy or influential men in that country and America.

The treaty of Fort Stanwix had an additional effect in the impetus it gave to the advance of the frontiersmen by affording them a right to enter these Indian lands. The pioneers had their own ideas of liberty and of government, and were not to have their political destiny shaped without a part in the movement. Already they had reached the mountain wall that separated East and West. Before them lay the "Western Waters." From the mountains the backwoodsman, looking to the East, could see, through the forbidding mountain masses, the broken chasms along which flowed the sources of the far-stretching rivers, on whose lower courses the tidewater planters dwelt. Turning away from the rented lands of the old provinces, he saw other rivers cutting their way to the West to join the Mississippi. These river systems constituted four natural arcs.

1. The New River, rising in North Carolina near the head spring of the Roanoke, flowed to the Atlantic, took a direct course through the Alleghenies, and the Virginia mountains to the Great Kanawha. Mr. Alexander, an American settler, called the Great Kanawha the "Western River," and the Alleghenies the "Mountain River."

2. The Ohio River, rising in the Alleghenies, flowed to the West, and then to the Mississippi. Franklin



hela, skirted the western edge of the Alleghanies in its southward flow. Here on the upper waters of the Ohio, was the physiographic basis for a state, a natural unit, rudely cut by the Pennsylvania boundary line, and apportioned between that state and Virginia, in spite of the veto of the Alleghanies.

2. Near to the springs of the New River were the many streams that flowed between the ridges of the Cumberland Mountains and the Alleghanies to join the Tennessee. These affluents of the Tennessee,—Powell's River, the Clinch, the Holston, the French Broad, the Nolichucky, and the Watauga, walled in to east and west by mountains, made another natural unit. Here Virginia's southern line ran right across these river courses, and left the settlements at the head of the Holston in Virginia, while their neighbors lower on the river were under the jurisdiction of North Carolina; and between these settlements and the parent States ran the Alleghany wall. It would be strange if these physiographic facts did not produce their natural result.

3. Passing through Cumberland Gap at Virginia's southwest corner, the pioneer reached another area of Virginia's back lands, the greenswards of Kentucky. This land was bounded on the north by the Ohio, while to the south was the Cumberland, forming a natural boundary, but severed for the most part from the political bounds of the region by the same unreasonable Virginia line that had cut in two the settlements on the Tennessee. These Kentucky fields constituted another natural economic area.

4. Across the Ohio lay the wide Northwest, between the Mississippi and the Great Lakes, its ownership in dispute between Virginia, Massachusetts, and Connecticut, under their charter bounds, and New York, through her protectorate over the Six Nations.

As the pioneer on his mountain height looked eastward and westward, the conviction was forced upon him that he had come to the parting of ways. Not long could he be held by the political reins of the Atlantic coast; even England had recognized and feared this. But not only did these "Western Waters," as the pioneer called them, reveal the separation of East from West, they insured the unity of the "Western World," to use another of his phrases. The waters of the West Virginia region interlocked with the waters of eastern Tennessee; on the borders of the same settlements, Cumberland Gap opened like a door to Kentucky; and all these winding rivers poured their flood into the Mississippi, the indispensable highway of commerce for the Western lands.

Hardly was the treaty of Fort Stanwix made, when Daniel Boone was on his way from his cabin on the Yadkin, "in quest of

the country of Kentucke," and James Robertson with his neighbors from North Carolina was settling on the Watauga, in what is now eastern Tennessee. Although the Watauga settlement was within the limits of North Carolina's western claims, that colony had not given civil organization to the region. Thus the settlers were in the position of the Pilgrim Fathers, or the settlers at Exeter,¹ without formal laws or political institutions. Haywood² is authority for the statement that in 1772 the Watauga pioneers formed a written association and articles for their conduct; they appointed five commissioners, a majority of whom was to decide all matters of controversy and to govern and direct for the common good in other respects. Robertson and many of the settlers were from that part of the interior of the Carolinas where the backwoodsmen had found it necessary to "associate" in written agreements for the purpose of "regulating" the horse thieves by summary methods in the absence of efficient courts, or of resisting the fees of colonial officers when they deemed them illegal or extortionate. These Regulators flourished from 1764 to the time of the settlement on the Watauga.³ Robertson was also familiar with Husband's Relation⁴ (1770) which justified these associations, and his friends and neighbors were at the battle of the Alamance in 1771. It is not unreasonable to conclude that the suggestion of the Watauga Association may have been due to the Regulating Associations. But the expedient was a natural one to Scotch-Irishmen, brought up on Presbyterian political philosophy; and it was a common mode of organization at the outbreak of the Revolution.⁵ The Watauga settlers petitioned the Provincial Council of North Carolina, in 1776, to extend its government to their community. They had supposed their settlements to lie within the limits of Virginia, and their lands to have been purchased from the Indians by that state, and, therefore, to be open to settlers by pre-emption. But, finding their lands south of the line, in unorganized territory

¹ Cf. p. 72, ante.

² Haywood, *Tennessee*, 41 (1823).

³ On the Regulators' associations, see Ramsay, *South Carolina*, I. 210, 211; *Colonial Records of North Carolina*, VII., *passim*; Wheeler, *North Carolina*, II. 301, *et passim*; Moore, *North Carolina*, I.

⁴ Putnam, *Middle Tennessee*, 19.

⁵ For example, Pendleton District, west of Fincastle County, Virginia, informed the Virginia convention that they had "formed themselves into a Society." The system of county associations and the Association of the Congress of 1774 are well known examples of this Revolutionary expedient. In 1779 settlers at Boonesboro', "for their own and the public good," entered into an association for making rules regarding the raising of a crop of corn. The text is in the *Louisville News Letter*, July 18, 1840 (Draper Colls.).

belonging to North Carolina, they leased and then purchased them from the Indians. In regard to government their petition¹ declares:—

Finding ourselves of the Frontiers, and being apprehensive that for want of a proper legislature, we might become a shelter for such as endeavored to defraud their creditors; considering also the necessity of recording Deeds, Wills, and doing other public business; we by consent of the people formed a court for the purposes above mentioned, taking (by desire of our constituents) the Virginia laws for our guide, so near as the situation of affairs would admit; this was intended for ourselves, and was done by the consent of every individual; but wherever we had to deal with people out of our district, we have ruled them to bail to abide by our determinations (which was in fact leaving the matter to reference,) otherwise we dismissed their suit, lest we should in any way intrude on the legislature of the colonies.

Their desire not to be regarded as a "lawless mob," and their petition for annexation to North Carolina, resulted in that state's receiving their representatives in 1776, and in the organization of the settlement as Washington County, in the following year. On the whole, the Association appears to have been a temporary expedient, pending the organization of North Carolina's county government, and comparable to the Western "claim associations" of later times.² The same type of government is to be seen in the Cumberland Association. In 1780 James Robertson led an exodus from Watauga to Nashborough at the bend of the Cumberland, and in the spring of that year delegates chosen by the people at the different forts, or stations, assembled and made a compact. Its features resembled those of Watauga; the articles related largely to the mode of regulating disputes in regard to land, and the government was looked upon as temporary.³ After three years the Cumberland pioneers were organized as Davidson County of North Carolina. The continuity of the old government and the new is indicated by the fact that the four justices of the new court had all been "judges, or triers" of the former Association.⁴ As showing how readily the backwoodsmen seized upon the idea of a

¹ Ramsey, *Annals of Tennessee*, 134. The petition was signed by one hundred inhabitants of "Washington District."

² See Macy, *Institutional Beginnings of a Western State*, and Shambaugh, *Claim Association of Johnson County, Iowa*, Iowa City, 1894. Bancroft, *Popular Tribunals*, and Shinn, *Mining Camp*, illustrate other phases of the Association.

³ Putnam and Ramsey give the documentary material for the political history of the Cumberland settlement. See also Roosevelt, *Winning of the West*, II., ch. xi.

⁴ Roosevelt, II. 366.

social compact in vacant territory, the little settlement of Clarks-ville,¹ farther down the Cumberland, may be instanced. Here on January 27, 1785, a "convention" was held at which eleven men, calling themselves "a majority of the actual settlers of the town," met and asserted their right, in the absence of Congressional government, to make laws not repugnant to the Constitution of the United States, or to the resolves of Congress. They established a tribunal of four magistrates with judicial authority and elected a sheriff to carry out their decisions. The organization continued at least as late as November, 1787. It was the multiplicity of revolutionary associations, and the ease with which they might run into the form taken by the later Vigilance Committees of the far West, that led even so ardent a follower of revolutionary principles as Patrick Henry to declare in 1786, regarding the defenceless condition of the Western frontiers, "that protection, which is the best and grand object of social compact is withdrawn, and the people, thus consigned to destruction, will naturally form associations, disgraceful as they are destructive to government."

R.S. Thus the earliest form of government in the region west of the Alleghanies was the Association of the backwoodsmen themselves; but it was soon followed by the attempt of a land company, without governmental sanction, to secure an imperial domain by Indian purchase and to institute a proprietary government. Daniel Boone's Kentucky explorations bore fruit in the formation of the Transylvania Company, January 6, 1775, with Judge Richard Henderson of North Carolina at its head. Among the terms of agreement entered into by the nine proprietors, all of them from North Carolina, one had reference to "sitting and voting as a proprietor and giving rules and regulations for the inhabitants."² The memories of Clarendon and Monk, and the Fundamental Constitutions of John Locke would seem to have taken possession of the mind of the Carolina jurist, and visions of a new palatinate in the backwoods to have arisen before him. In 1775, this company effected a purchase from the Cherokees of all their lands

¹ Draper Colls., William Clark Papers, I. 103, 105, contain the original minutes of the convention. These collections of the late Dr. Lyman C. Draper, embracing more than four hundred folio volumes of manuscripts on Western history, principally in the Revolutionary period, are the property of the State Historical Society of Wisconsin. These papers are very largely contemporaneous documents, few of which have been published. They constitute a monument to the ability of Dr. Draper as an antiquarian and collector. The present paper is chiefly based upon these documents; and I am indebted to the courtesy of Mr. Reuben G. Thwaites for giving me every facility for using these sources.

² This document and the agreement of the Louisa Company, as well as Henderson's MS. journal, are in Draper Colls., Ky. MSS., I.

between the Ohio, Kentucky, and Cumberland rivers, and including Powell's Valley of eastern Tennessee. This domain was Transylvania.¹ Boone and his riflemen had already blazed the Wilderness Road to Kentucky, and were holding their grounds against the hostile savages. Here too were other bands of settlers, led by Harrod, holding by the tenure of their rifles, and without government. When Henderson arrived, he first opened his land office, and then broached the question of political organization. If ever the Carolina proprietary had been his model, it suffered a forest-change. He writes in his Journal: "The plan was plain and simple—twas nothing novel in its essence. A thousand years ago it was in use, and found by every year's experience to be unexceptionable. We were in four distinct settlements. Members or delegates [should be elected] from every place by free choice of Individuals, they first having entering [*sic*] into writings solemnly binding themselves to obey and carry into Execution such Laws as representatives should from time to time make, concurred with by a Majority of the Proprietors present in the Country." This plan met with the frontiersmen's approval; and Henderson appointed May 23, 1775, for the Convention, and "made out writings for the different towns to sign." Accordingly delegates appeared at this open air convention, six from Boonesboro' and four from each of the other settlements. In his proprietary address, opening the convention, Henderson declared: "If any doubt remain amongst you with respect to the force and efficacy of whatever laws you may now or hereafter make, be pleased to consider that all power is originally in the people," and that the laws "derive force and efficacy from our mutual consent." The backwoods legislators passed laws suited to their needs, which were approved by Henderson, and they entered into a compact with the proprietors, defining their respective rights, and outlining a legislative organization with two chambers for the colony when it should arrive at greater maturity.² By retaining the veto power the proprietors prevented the possibility of legislation adverse to their claims; but the proceedings of the convention show how far they had deemed it the part of wisdom to make concessions to the spirit of freedom.³ The Transylvania Convention never met again. The governors

¹ The boundaries, with map, are discussed in the *Report of the Bureau of Ethnology*, 1883-4, pp. 148 *et seq.* See Draper Colls., Ky. MSS., I. (A). The boundaries are approximately shown in the map accompanying this paper.

² The Journal of the Proceedings is printed in Collins, *Kentucky*, II. 501.

³ For Powell's Valley Henderson prepared a form of government, with a separate assembly, for the reason that it was too remote to share in the legislature in Kentucky. It does not seem to have been put into operation. Draper Colls., Ky. MSS., I. (A).

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of Virginia and of North Carolina denounced the company in proclamations, and felt the greatest indignation over this "infamous Company of Land Pyrates" that had infringed the Earl of Granville's proprietary.¹ But the days of proprietaries, English and American, were numbered. The Revolution had begun, and in the fall of 1775, the Transylvania proprietors, at a meeting in North Carolina, delegated James Hogg, one of their number, to represent them in the Continental Congress, and to present to that body a memorial desiring Congress to take the infant colony under its protection.² The correspondence of this proprietor in January of 1776, from Philadelphia, enables us to see how Congress received the news of this attempt.³ Mr. Hogg writes that he found the two Adamses friendly, but unwilling to act without the prior consent of Virginia. Jefferson, he said, expressed the wish to see a free government established at the back of Virginia, properly united with them, and desired it to extend westward to the Mississippi, and on each side of the Ohio to their charter line; but he would not consent to Congressional action, until the proposition had the approval of the Virginia convention. Deane, of Connecticut, held out hopes of a considerable migration⁴ from that state, and wrote a long letter⁵ advising Transylvania to follow Connecticut ideals of government. He pointed out that Connecticut began with a voluntary compact of government, and governed under it until their charter of 1662. "You would be amazed," wrote Hogg, "to see how much in earnest all these speculative gentlemen are about the plan to be adopted by the Transylvanians. They entreat, they pray that we make it a free government, and beg that no mercenary or ambitious views in the proprietors may prevent it. Quit-rents, they say, is a mark of vassalage, and hope they shall not be established in Transylvania. They even threaten us with their opposition, if we do not act upon liberal principles when we have it so much in our power to make ourselves immortal. Many of them advise a law against negroes."

But Harrod's party in Kentucky petitioned Virginia to take the settlements under her protection, complained against the price of

¹ Foote, *Sketches*, 49; *North Carolina Colonial Records*, X. 273, 323.

² *4 American Archives*, IV. 553; *N. C. Col. Recs.* X. 256; Hall, *Sketches of the West*, II. 223.

³ *N. C. Col. Recs.* X. 300, 373; *4 Am. Archives*, IV. 543.

⁴ On November 12, 1775, Governor Martin, of North Carolina, reported a rumor to Lord Dartmouth that Hogg was negotiating with two thousand Connecticut people to settle in Transylvania. This was not at all impossible. Compare *Am. Hist. Association Rep.*, 1893, p. 333, and *Canadian Archives*, 1890, pp. 103, 156.

⁵ *N. C. Col. Recs.* X. 300, *4 Am. Archives*, IV. 556.

lands fixed by Henderson, denounced the action of the Transylvania convention, as having been "overawed by the presence of Mr. Henderson," and closed by requesting that if Virginia believed their case more properly belonged to the Continental Congress, she should recommend her delegates to espouse it there.¹ The proprietors, in their reply, scouted as absurd the idea that they had desired to erect a separate government within the limits of another, and declared that the measures of the Transylvania convention were intended as mere temporary by-laws for the good of their little community, and which the necessities of the case justified. This was hardly in keeping with Henderson's address to the Transylvania convention. "You," he had assured his backwoods listeners, as they stood about him under the mighty elm that made the legislative hall, "You are placing the first corner-stone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity, and can only become great and glorious in proportion to the excellence of its foundation." But though the proprietors were now ready to yield the glory of commonwealth-builders, for the more substantial benefits of the quit-rents, Virginia annulled their title, at the same time compensating them in part with a grant of 200,000 acres.

The settlers, left to their own devices, held a meeting at Harrodsburg in the summer of 1776, and sent George Rogers Clark and a companion as delegates to the Virginia Assembly. Clark, it is said, had desired the people to choose agents with general powers to negotiate with the governor of Virginia, and if abandoned by that state, to employ the lands of the country as a fund to obtain settlers, and establish an independent state; but he was overruled;² and in 1777 Virginia organized this "respectable Body of Prime Riflemen," as, in their petition, they denominated themselves, into a county with the boundaries of the present Kentucky.

In the meantime the region of the Vandalia company and western Pennsylvania had become the scene of a new state project. Pennsylvania and Virginia had a boundary dispute involving the possession of the headwaters of the Ohio, and particularly the region between the Youghiogheny and the Ohio. In this tract, at the opening of the Revolution, settlers from these rival states disputed the ownership of the same pieces of land, rival local organizations covered the same territory, and the partisans of the Old Dominion and the adherents of the Quaker state called each other a "horde of banditti" with reciprocal

¹ 4 *Am. Archives*, VI. 1528.

² Butler, *Kentucky*, 38 (2d edition).

vehemence. The anarchical conditions kept the settlers in continual excitement and prevented their union against the Indians, and even threatened interstate war in the midst of the struggle against England. The inhabitants of this country, "Miserably distressed & harrassed and rendered a scene of the most consummate Anarchy & Confusion," circulated a memorial to Congress shortly after the Declaration of Independence, asking organization as a new state.¹ Between the claims of the Indiana and Vandalia companies, and the contentions of Virginia and Pennsylvania, they were all at sea respecting their property rights, and they felt themselves in a more deplorable condition than "whilst living on the poor, barren, rented lands in their respective provinces below." They recounted their incessant struggles against the Indians. "Tho' neither politicians nor orators," said they, "we are at least a rational and Social People, inured to Hardships & Fatigues, & by experience taught to dispise Dangers and Difficulties." They protested that having immigrated from almost every province of America, "brought up under and accustomed to various different, & in many respects discordant & even contradictory systems of laws and government," and "having imbibed the highest and most extensive ideas of liberty," they will "with Difficulty Submit to the being annexed to or Subjugated by (Terms Synonomous to them) any one of those Provinces, much less the being partitioned or parcelled out among them"; nor will they submit "to be enslaved by any set of Proprietary or other Claimants, or arbitrarily deprived and robbed of those Lands and that Country to which by the Laws of Nature & of Nations they are entitled as first Occupants, and for the possession of which they have resigned their All & exposed themselves and families to Inconviences, Dangers, & Difficulties, which Language itself wants, Words to express & describe." With especial vehemence these frontiersmen deny that they will endure the loss of their rights "whilst the Rest of their Countrymen, softened by Ease, enervated by Affluence and Luxurious Plenty & unaccustomed to Fatigues, Hardships, Difficulties or Dangers, are bravely contending for and exerting themselves on Behalf of a Constitutional, national, rational & social Liberty." By population and territory they believed that they were justified in demanding independent statehood. West of the Alleghanies, on the tributaries of the Ohio above the Scioto, they reported 25,000 families. The seat of

¹ Mr. Frederick D. Stone, of the Pennsylvania Historical Society, discovered this memorial. It is printed in Cumrine's *History of Washington County, Pennsylvania*, 187.

government, whether under Virginia or Pennsylvania, was four or five hundred miles distant, and "separated by a vast, extensive and almost impassible Tract of Mountains, by Nature itself formed and pointed out as a Boundary between this Country & those below it." They therefore appealed to the Continental Congress as "the Guardians, Trustees, Curators, Conservators, & Defenders of all that is dear or valuable to Americans," to constitute them a distinct and independent province and government, by the name of Westsylvania, ^Na sister colony and fourteenth province of the American confederacy." The bounds of the prospective state included most of Pennsylvania beyond the Alleghanies, West Virginia, and eastern Kentucky.¹ Although Westsylvania did not receive the sanction of Congress, the project for a state in that region was too well founded to die out, as the history of the state of West Virginia proves. During the heat of the Revolution the movement had a moment of lull, but the backwoodsmen kept in mind the actions of Congress in this period; and as the two movements are mutually interpretative, we must turn briefly to recall the actions of Congress in the years succeeding.²

In the fall of 1777, Maryland tried vainly to induce Congress to assert the power to limit the states which claimed to the Mississippi, and to lay out the land beyond the boundary thus fixed into separate and independent states. The little landless states, Maryland, Rhode Island, New Jersey, and Delaware, made repeated efforts in the next two years to secure to Congress the possession of the back lands, though Maryland alone continued a consistent opposition to allowing the jurisdiction of the region involved to remain with the claimant states. It may have been that New Jersey's interest was quickened by the strength which the Indiana company had in that state, through the efforts of

¹ See the map. The boundary ran as follows: "Beginning at the Eastern Bank of the Ohio, opposite the mouth of the Scioto, & running thence in a direct line to the Owasito Pass [Cumberland Gap], thence to the top of the Alleghany Mountains thence with the Top of the said Mountains to the northern limit of the purchase made from the Indians in 1768, at the Treaty of Fort Stanwix, thence with the said limits to the Alleghany or Ohio River, and thence down the said River as purchased from the said Indians at the said Treaty of Fort Stanwix to the Beginning." For the Fort Stanwix line, see *N. Y. Col. Docs.*, VIII. 136, 137, with map.

² Only such a view of Congressional action is here given as suffices to show the relation of this action to the plans of the Westerners. See for convenient summaries: Hinsdale, *Old Northwest*, chs. xii.-xiv.; Barrett, *Evolution of the Ordinance of 1787*; Adams, *Maryland's Influence on the Land Cessions*; Stone, *Ordinance of 1787*. Documentary material is in *Journals of Congress*, and *Secret Journals of Congress, Domestic*, 372, 377, 428, 433; *Secret Journals, Foreign Affairs*, III. 161 (1821); Hening, X. 549; Gilpin, *Madison Papers*, I. 122; Thomson Papers, in *N. Y. Hist. Soc. Colls.*, 1878, p. 100.

Col. George Morgan of Princeton, the active agent and promoter of the company, and through the number of New Jersey men interested in these land speculations. On September 14, 1779, memorials from the Vandalia and Indiana companies were presented to Congress,¹ protesting against Virginia's claim to lands beyond the Alleghanies, and asking an investigation of their claims. About a year later,² Congress recommended to the states a liberal cession of their Western lands to the Union; and, on October 10, 1780, resolved that the unappropriated lands that might be thus ceded should be "disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the federal union, and have the same rights of sovereignty, freedom, and independence as the other states; that each state which shall be formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit." These resolutions came at a time when the Westerners were petitioning Congress for such action,³ and in their turn they were circulated throughout the frontier and stimulated action. Shortly after their passage George Morgan wrote to a Kentucky friend,⁴ that all the country west of the Alleghanies would probably be put under the direction of the United States, and Virginia limited to the waters which fall into the Atlantic. In this case, he thought, several new states would be established, "independent, though united with our present Confederacy of Thirteen," and he promised to send to his correspondent a "pamphlet now in the press on this subject." Within a few weeks⁵ Paine's *Public Good* appeared with an elaborate attack on the trans-Alleghany claims of Virginia, and with its proposition that Congress should create a new state to include the Vandalia area, and an additional slice of the Kentucky territory.⁶ Paine was accused of receiving compensation from the Indiana company

¹ *Journals of Congress*, of that date. Cf. Franklin, *Works*, X. 346 (1888).

² September 6, 1780.

³ Besides the Transylvania and Westsylvania petitions, already mentioned, see Kentucky petition of May 15, 1780, in Roosevelt, *Winning of the West*, II. 398, and the projects of western Pennsylvania to be noted later.

⁴ Draper Colls., Clark MSS., L. 76.

⁵ The letter was written December 1; Paine's *Public Good* was published December 30, 1780.

⁶ See the map. The state's boundaries were to be the Alleghanies, the Ohio as far north as the Pennsylvania line, thence down the Ohio to its falls, thence due south to the latitude of North Carolina's line, and thence east to the mountains again. Conway, *Writings of T. Paine*, II. 62, 63.

for this pamphlet,¹ and it may have been the one which Morgan expected to distribute as campaign literature in the West.

In 1780 Pennsylvania and Virginia agreed on a proposition for running a temporary boundary line, and for settling land titles on either side of the boundary by the test of priority of occupation. But the running of the line was much delayed, so that not until 1784 was the southwest corner of Pennsylvania definitively fixed by the two states. In the interval the Virginia men who found themselves likely to come under Pennsylvania's jurisdiction were active in proposing a new state. Questions of taxation, land fees, and the dislike of accepting the test of priority for their claims were some of the reasons for discontent.² As early as May, 1780, new state meetings were projected in the region,³ and in the fall of the same year, some of the Virginia partisans drew up a memorial to Congress, urging that body to encourage the settling of "the Western World," by the formation of a new state with such limits as should seem best to Congress. They complained of their distance from the parent states on the east; and of the almost impassable mountain barrier in that direction; while in the opposite direction flowed the Western Waters, offering an outlet for the produce of their fertile lands, could they but have a trade established on those waters. "When we consider our remote situation," say they, "we cannot but reflect that such a distance renders our Interest incompatible; for when any part of a State lies so remote from its Capital that their produce cannot reach the market, the Connection ceases, & from thence proceeds a different Interest & consequently a Coolness." Taxation on equal terms with their Eastern fellow-citizens was also a grievance, for, with no staple commodity that they could send to the capital, or any other seaport, they could not secure the specie for paying the tax. "But," say they, with an idealism common to the West, "were we a separate state, a Trade on the Western Waters undoubtedly would be opened for our relief." They advanced the doctrine, inconsistent with the Articles of Confederation (and possibly derived from their construction of the resolutions of Congress of September and October), that "our Union declares when any state grows too large or unwieldy, the same may be divided into one or more States; that the people have a right to emigrate from one state to another and

¹ Draper Colls., Clark MSS., XI. 10, cites *Virginia Gazette*, April 6, 1782, and *Maryland Journal*, April 2, 1782, to the effect that the company gave Paine a deed for 12,000 acres. Conway, *Life of Paine*, argues against the charge.

² Others are mentioned in *Cal. Va. State Papers*, III. 630, 631, 135.

³ *Hist. of Washington County, Penna.*, 232.

form new states in different Countries, whenever they can thereby promote their own Ease & Safety." In addition, they remind Congress of the King's Proclamation of 1763, and the Vandalia grant, and ask Congress carefully to investigate all the charters, and, "candidly determine all such Matters and Things as so nearly concern any of the subjects of America & which tend to sap & undermine the Liberty of the People."¹ Nor was it only the friends of Virginia that were considering independent statehood. The Congressional resolutions mentioned were regarded in western Pennsylvania as applying to that state, as well as to the states whose claims ran to the Mississippi. In Westmoreland County apprehensions were aroused, lest, if Pennsylvania should cede its unappropriated area, this county would be retained by the parent state; for, though west of the Alleghanies, they were more thickly populated. "If the unappropriated parts of the country are relinquished," wrote Thomas Scott,² who went from that district to Congress in 1789, and who was familiar with the views of the settlers, "we must go with it, or Else we shall remain a people dependent on pennsylvania, Remote in situation, different in Interests, few in number, and forever prevented of future growth." The agitation continued through 1781 and 1782, sometimes taking the form of propositions to cross the Ohio and establish a new state near the Muskingum.³ The Virginia settlers refused to pay taxes, and drove off the Pennsylvania assessors. Besides their uncertainty to whom their taxes were rightfully due, and whether by a new state movement they might not evade them altogether, they found it a peculiar hardship to pay their taxes in specie.⁴ To repress these agitations, Pennsylvania enacted a law in 1782, reciting that the unlocated lands were pledged as a fund for extinguishing her obligations to the former colonial proprietors, and declaring any attempt to establish a separate state within her

¹ Draper Colls., Shepherd Papers, I. 177, 179, B. Johnston to Colonel Shepherd, enclosing a draft of the memorial. The letter was begun in October and sent in November, 1780.

² Scott to President Reed, of Pennsylvania, January 24, 1781. 1 *Penna. Archives*, VIII. 713.

³ *Washington-Irvine Correspondence*, 231, 233, 109, 244, 266; 1 *Penna. Archives*, IX. 233, 519, 572, 637, 662; McMaster, III. 98. Kentucky settlers projected a movement across the Ohio in 1780 and petitioned Congress for permission. *Archives of Continental Congress*, XLVIII. 245, 247.

⁴ Compare the grievances of the same region in the Whiskey Rebellion. The lack of specie has always been a frontier complaint. In 1783 Virginia allowed her western settlers to pay one-half their taxes in frontier commodities; the state of Franklin made out a schedule of the specie value of commodities acceptable for taxes and salaries, including linen, beaver skins, raccoon skins, bacon, beeswax, and good rye whiskey.

borders high treason, punishable by death.¹ Early the next year, the authorities sent the Rev. James Finley, a prominent Scotch-Irish Presbyterian, who had preached among the Westerners, to investigate matters and allay the disturbance.² He found a particularly important field for his efforts among the clergy of his own denomination; for here, as in other localities, these preachers were promoting the idea of independence and the compact organization of the state. One of the arguments which Finley had to meet was the way in which the Puritan colonies had been established.

FREDERICK JACKSON TURNER.

¹ *Laws of Pennsylvania*, II. 60 (edition of 1810).

² *Penna. Archives*, IX. 729; X. 163, 40, 41. He recapitulates the arguments with which he met the demands for statehood.

(*To be continued.*)

DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that an exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

1. Colonel William Byrd on Slavery and Indented Servants, 1736, 1739.

THE following two letters are taken from the letter-books of Colonel William Byrd, preserved at Lower Brandon, Va. For courteous permission to make use of them, the REVIEW is indebted to the owner of the letter-books, Mrs. Harrison of Brandon. The writer, the second Colonel William Byrd, of Westover (1674-1744), was the noted author of the *History of the Dividing Line*, the *Journey to the Land of Eden*, etc., and was for many years a member of the Governor's Council. The first Earl of Egmont (d. 1748), to whom the first of these letters was written, was the first president of the trustees of Georgia. He was the father of the second earl, who was for a time First Lord of the Admiralty, and grandfather of the Marquis of Hastings (Lord Rawdon). The first letter is dated Virginia, July 12, 1736, the second, November 10, 1739.

COLONEL BYRD TO LORD EGMONT.

. . . . Your Lord^{sh} opinion concerning Rum and Negros is certainly very just, and your excludeing both of them from your Colony of Georgia will be very happy; tho' with Respect to Rum, the Saints of New England I fear will find out some trick to evade your Act of Parliament. They have a great dexterity at palliating a perjury so well as to leave no taste of it in the mouth, nor can any people like them slip through a penal statute. They will give some other Name to their Rum, which they may safely do, because it gos by that of Kill-Devil in this country from its banefull qualities. A watchfull Eye must be kept on these foul Traders or all the precautions of the Trustees will be in vain.

I wish my Lord we could be blesst with the same Prohibition. They import so many Negros hither, that I fear this Colony will some time or

other be confirmd by the Name of New Guinea. I am sensible of many bad consequences of multiplying these Ethiopians amongst us. They blow up the pride, and ruin the Industry of our White People, who seeing a Rank of poor Creatures below them, detest work for fear it should make them look like Slaves. Then that poverty which will ever attend upon Idleness, disposes them as much to pilfer as it does the Portuguese, who account it much more like a Gentleman to steal, than to dirty their hands with Labour of any kind.

Another unhappy Effect of Many Negros is the necessity of being severe. Numbers make them insolent, and then foul Means must do what fair will not. We have however nothing like the Inhumanity here that is practiced in the Islands, and God forbid we ever should. But these base Tempers require to be rid with a tort Rein, or they will be apt to throw their Rider. Yet even this is terrible to a good natured Man, who must submit to be either a Fool or a Fury. And this will be more our unhappy case, the more Negros are increased amongst us.

But these private mischiefs are nothing if compared to the publick danger. We have already at least 10,000 Men of these descendants of Ham fit to bear Arms, and their Numbers increase every day as well by birth as Importation. And in case there should arise a Man of desperate courage amongst us, exasperated by a desperate fortune, he might with more advantage than Cataline kindle a Servile War. Such a man might be dreadfully mischievous before any opposition could be formed against him, and tinge our Rivers as wide as they are with blood. Besides the Calamities which would be brought upon us by such an Attempt, it would cost our Mother Country many a fair Million to make us as profitable as we are at present.

It were therefore worth the consideration of a British Parliament, My Lord, to put an end to this unchristian Traffick of making Merchandize of Our Fellow Creatures. At least the farther Importation of them into our Our Colonys should be prohibited lest they prove as troublesome and dangerous everywhere, as they have been lately in Jamaica, where besides a vast expence of Money, they have cost the lives of many of his Majesty's Subjects. We have mountains in Virginia too, to which they may retire as safely, and do as much mischief as they do in Jamaica. All these matters duly considered, I wonder the Legislature will Indulge a few ravenous Traders to the danger of the Publick safety, and such Traders as would freely sell their Fathers, their Elder Brothers, and even the Wives of their bosomes, if they could black their faces and get anything by them.

I entirely agree with your Lord^{ship} in the Detestation you seem to have for that Diabolical Liquor Rum, which does more mischief to Peoples Industry and morals than any thing except Gin and the Pope. And if it were not a little too Poetical, I should fancy, as the Gods of Old were said to quaff Nectar, so the Devils are fobbed off with Rumm. Tho' my Dear Country Men would think this unsavory Spirit much too Good for Devils, because they are fonder of it than they are of their Wives and Children,

for they often sell the Bread out of their mouths, to buy Rumm to put in their own. Thrice happy Georgia, if it be in the power of any Law to keep out so great an enemy to Health Industry and Vertue! The new Settlers there had much better plant Vinyards like Noah, and get drunk with their own Wine. . . .

COLONEL BYRD TO MR. ANDREWS OF ROTTERDAM.

. . . . I know not how long the Palatines are sold for, who do not Pay Passage to Phyladelphia, but here they are sold for Four years and fetch from 6 to 9 Pounds and perhaps good Tradesmen may go for Ten. If these Prices woud answer, I am pretty Confident I coud dispose of two Ships Load every year in this River; and I myself woud undertake it for Eight ~~7~~ cent on the Sales, and make you as few bad Debts as possible. This is the Allowance Our Negro Sellers have, which Sell for more than Double these People will, and consequently afford twice the Profet.

2. *Intercepted Letters and Journal of George Rogers Clark, 1778, 1779.*

The following intercepted letters relating to the Illinois expedition of George Rogers Clark in 1778 and 1779 have been, through the courtesy of Dr. Douglas Brymner, archivist of the Dominion, obtained from the Canadian Archives, Series B, Vol. 122. It is understood that they have never before been printed. The first, Helm's letter to Clark, sent when Hamilton was approaching Vincennes, was captured by one of the Indian parties which Hamilton sent out for such purposes from the Wea village (Ouiatanon). The second is, for the events of the days beginning February 23, 1779, the earliest account hitherto discovered, and is thought, therefore, to be of importance. The manner of its interception is indicated in a letter from Clark to Governor Patrick Henry, dated April 29, and preserved among the manuscripts of the Department of State, in which he says: "A few days ago I received certain intelligence of Wm. Moires my express to you being killed near the Falls of the Ohio, news truly disagreeable to me, as I fear many of my letters will fall into the hands of the enemy at Detroit."

HELM TO CLARK.

Canadian Archives, Series B, Vol. 122, p. 250.

Dr Sir, At this time theer is an army within three miles of this place I heard of their comin several days before hand I sent spies to find the certainty the spies being taken prisoners I never got intelligence till they

got within 3 miles of the town as I had call^d the militia and had all assurance of their integrity I order^d at the firing of a Cannon every man to appear, but I saw but few. Capt Burron behaved much to his honour and credit but I doubt the certain^t of a certain gent Excuse hast as the army is in sight my Determination is to defend the Garrison though I have but 21 men but wht has lef me I referr you to the Mr W^m for the test¹ the army is in three hundred y^d of the village you must think how I feel not four men that I can really depend on but am determined to act brave think of my condition I know its out of my power to defend the town as not one of the militia will take arms thoug before sight of the army no braver men their is a flag at a small distance I must conclud.

Y^r humble serv^t

LEO^d HELMS

must stop.

No date, but endorsed as forwarded by Hamilton on the 18th December.

JOURNAL OF COLONEL CLARK.

Canadian Archives, Series B, Vol. 122, p. 289.

What preceeds this part of Col^a Clarke's journal is only an account of his setting out and his march till the 23rd Feb^y. Sett off very early, waded better than three miles on a stretch, our people prodigious, yet they keep up a good heart in hopes of a speedy sight of our enemys. At last about two o'clock we came in sight of this long sought town and enemy, all quiet, the spirits of my men seemed to revive we marched up under cover of a wood called the Warriours Island where we lay concealed untill sunset, several of the inhabitants were out a shooting by which was assur'd they had no intelligence of us yet. I sent out two men to bring in one who came and I sent him to town to inform the inhabitants I was near them ordering all those attached to the King of England to enter the Fort and defend it, those who desired to be friends to keep in their houses. I order'd the march in the first division Capt. Williams, Capt. Worthington's Company and the Cascaskia Volunteers, in the 2nd commanded by Capt. Bowman his own Company and the Cohos Volunteers. At sun down I put the divisions in motion to march in the greatest order and regularity and observe the orders of their officers — above all to be silent — the 5 men we took in the canoes were our guides; we entered the town on the upper part leaving detached Lt. Bayley and 15 riflemen to attack the Fort and keep up a fire to harrass them untill we took possession of the town and they were to remain on that duty till relieved by another party, the two divisions marched into the town and took possession of the main street, put guards &c without the least molestation I continued all night sending parties out to annoy the enemy and caused a trench to be thrown up across the main

¹ Evidently meant for *rest*. There is no punctuation, but apparently a full stop should follow *test*. — D. B.

street about 200 yds from the Fort Gate—we had intelligence that Capt. Lamotte and 30 men were sent out about 3 hours before our arrival to reconnoitre, as it seems they had some suspicion of a party being near them. One Maisonville and a party of Indians coming up the Ouabache with 2 prisoners made on the Ohio had discover'd our fires and they arrived here a few hours before us. I order'd out a party immediately to intercept them and took s^d Maisonville and one man—they gave us no intelligence worth mentioning.

24th As soon as daylight appeared the enemy perceived our works and began a very smart fire of small arms at it, but could not bring their cannon to bear on them, about 8 o'clock I sent a flag of truce with a letter desiring Lt. Gov. Hamilton in order to save the impending storm that hung over his head immediately to surrender up the Garrison, Fort, Stores &c &c. and at his peril not to destroy any one article now in the said Garrison—or to hurt any house &c belonging to the Inhabitants for if he did by Heaven, he might expect no mercy—his answer was Gov. H. begs leave to acquaint Col. C. that he and his Garrison were not disposed to be awed into any action unworthy of British subjects—I then ordered out parties to attack the Fort and the firing began very smartly on both sides one of my men thro' a bravery known but to Americans walking carlesly up the main street was slightly wounded over the left eye but no ways dangerous—About 12 o'clock the firing from the Fort suspended a Flag coming out I order'd my people to stop firing till further orders. I soon perceived it was Capt. Helm who after salutations inform'd me that the purport of his commission was, that Lt. Gov. Hamilton was willing to surrender up the Fort and Garrison provided Col. Clarke would grant him honourable terms and that he beg'd Col. Clarke to come into the Fort to confer with him, first I desired Capt. Helm not to give any intelligence of G. H's strength &c being on his Parole, second my answer to Gov. H was that I should not agree to any other terms than that Lt Gov. H should immediately surrender at discretion and allowed him half an hour to consider thereof—as to entering the Fort my off^r and men would not allow of it, for it was with difficulty I restrained them from storming the Garrison—I dismissed Capt. Helm, with my answer, at the time allowed Capt. Helm came back with Lieut. Gov. H's second proposals which were—Lt Gov^r Hamilton proposes to Col. Clarke a truce for three days, during which time there shall no defensive works be carried on in the Garrison provided Col. Clarke shall observe the like cessation on his part—he further proposes that whatever may pass between them two and any person mutually agreed upon to be present shall remain secret untill matters be finally determined. As he wishes that whatever the result of this conference may be—the Honor and credit of each may be considered—so he wishes he may confer with Col. Clarke as soon as may be—as Col. Clarke makes a difficulty of coming into the Fort Lt Gov. H will speak to him before the Gate

24 Feb^r 1779 (signed) H. H.

This moment received intelligence that a party of Indians were coming up from the falls with Prisⁿ or Scalps, which party was sent out by G. Hamilton for that purpose, my people were so enraged they immediately intercepted the party which consisted of 8 Indians and a french man of the Garrison. they killed three on the spot and brought 4 in who were tomahawked in the street oposite the Fort Gate and thrown into the river — the frenchman we shewd mercy as his aged father had behaved so well in my party — I relieved the two poor Prisⁿ who were French hunters on the Ohio, after which C^t Helm carried my answer thus — Col. Clarks comp^t to G. H. and begs leave to inform him that Col. Clarke will not agree to any other terms than of G. H. surrendering himself and Garrison prisoners at discretion — if G. H. desires a conference with Col. Clarke, he will meet him at the church with Capt. Helm.

24 Feb^y 1779 (signed) G. R. CLARK.

I immediately repaired there to confer with G. Hamilton where I met with him and Capt Helm.

Gov. Hamilton then begd I would consider the situation of both parties that he was willing to surrender the Garrison but was in hopes that Col. Clark would let him do it with Honour — I answered him I have been informed that he had 800 men — I have not that number but I came to fight that number. G. H. then replied who could give you this false information I am Sir (replied I) well acquainted with your strength and force and am able to take your Fort, therefore I will give no other terms but to submit yourself and Garrison to my discretion and mercy — he reply'd Sir my men are brave and willing to stand by me to the last, if I can't surrender upon Hon^{ble} terms I'll fight it out to the last — Answered, Sir this will give my men infinite satisfaction and pleasure for it is their desire, he left me and went a few pays aloof, I told Capt Helm Sir you are a prisoner on your parole, I desire you to reconduct G. H. into the Fort and there remain till I retake you. Lt Gov. Hamilton then returned saying, Col. Clarke why will you force me to dishonour myself when you cannot acquire more honor by it — I told him could I look on you as a Gentleman I would do to the utmost of my power, but on you Sir who have embrued your hands in the blood of our women and children, Honor, my country, everything calls on me alloud for Vengeance. G. H. I know my character has been stained but not deservedly for I have allwaise endeavour'd to instill Humanity as much as in my power to the Indians whom the orders of my superiours obliged me to employ. C. C. Sir I speak no more on this subject my blood glows within my veins to think on the cruelty's your Indian parties have committed, therefore repair to your Fort and prepare for battle on which I turned off and the Gov and C^t Helm towards the Fort — when Capt Helm says Gentlemen don't be warm, strive to save many lives which may be usefull to their country which will unavoidably fall in case you don't agree on which we again conferd — G Hamilton said, is there nothing to be done but fighting — Yes, Sir, I will send you such articles as

I think proper to allow, if you accept them, well — I will allow you half an hour to consider on them on which C^t Helm came with me to take them to G. H. — having assembled my officers I sent the following articles viz^t

1st Lt. Gov. Hamilton engages to deliver up to Col. Clark Fort Sackville as it is at present with all the stores, ammunition, provisions, &c

2nd. The Garrison will deliver themselves up Pris^m of War to march out with their arms accoutrements, Knapsacks &c

3. The Garrison to be delivered up tomorrow morning at 10 o'clock.

4th. Three days to be allowed to the Garrison to settle their accounts with the traders of this place and inhabitants.

5. The officers of the Garrison to be allowed their necessary baggage &c.

(signed) Post Vincent 24th Feb^r 1779

G. R. CLARK.

Within the limited time Capt. Helm returned with the articles signed thus, viz^t

Agreed to for the following reasons, remoteness from succours, the state and quantity of Provisions &c the unanimity of officers and men on its expediency, the Honb^{ls} terms allow^d and lastly the confidence in a generous Enemy.

(signed) H. HAMILTON Lt Gov & Superintend^t

27th The willing (a boat) arrived at 3 o'clock she was detained by the strong current on the Ouabache and Ohio — 2 Lts and 48 men with two iron 4 lb^m and 5 swivels on board the willing.

CLARK TO GOVERNOR HENRY.

Canadian Archives, Series B, Vol. 122, p. 304.

Dr Sir, by W^m Moiers you wrote to me, if possible to procure you some Horses and Mares nothing could give me greater pleasure than to serve but I doubt at present it is out of my power as my situation and circumstances is much alter'd as pr letter there being no such horses here as you request me to get and I have so much publick business to do especially in the Indian departm^t that I doubt I shall not be able to go to the Illinois for some time I find that you have conceived a greater opinion of the horses in this country than I have. The Pawné and Chicasa horses are very good and some of them delicate, but the common breed in this country is trifling as they are adulterated. The finest Stallion by far that is in the country I purchased some time ago and rode him on this Expedition and resolved to make you a compliment of him but to my motification I find it impossible to get him across the drown'd lands of the Wabash as it is near three leagues across at present and no appearance of its falling shortly but you depend that I shall by the first opportunity send him to you. He

came from New Mexico, three hundred leagues west of this. I dont think it in my power to send you such mares as you want this spring, but in order to procure you the best can be got I shall contract with some man of the Spanish Government by permit of the Command^t to go to the Pawné nation two hundred leagues west and get the finest mares to be had of the true blood, they will be good as they are all so, if they are handsome they will please you I shall give such instructions as will be necessary and am in hopes that you will get them by the fall. I could get five or six mares soon, at the Illinois very fine but I think they are hurt by hard usage as the Inhabitants are barbarous Horse Masters, but shall do it except I can execute my other plan. I thank you for your remembrance of my situation respecting lands in the Frontiers I learn that Government has reserves on the lands on the Cumberland for the Soldiers.

If I should be deprived of a certain tract of land on that river which I purchased three years ago and have been at a considerable expence to improve I shall in a manner lose my all. It is known by the name of the great French Lick on the south or west side containing three thousand acres, if you can do anything for me in saving of it—I shall for ever remember it with gratitude.

Their is glorious situations and bodies of land in this country formerly purchased I am in hopes of being able in a short time to send you a map of the whole — my comp^{ts} to your Lady and family.

FORT ST HENRY }	and remain Sir
March 9 1779 }	Your humble servant

G. R. CLARK.

pr Wm Moira.

[On the first line of the letter the name is Moiers; in the letter to Harrison it is Moires. — D. B.]

CLARK TO HARRISON.

Canadian Archives, Series B, Vol. 122, p. 307.

FORT ST HENRY ST VINCENT, March 10th 1779.

Dr. Sir,

I received your kind letter with the thanks of the House inclosed. I must confess Sir, that I think my country has done me more honor than I merited, but may rest assured that my study shall be to deserve that Honor they have already conferr'd on me.

by my publick letters you will be fully acquainted with my late successful expedition against Lt Gov^r Hamilton who has fallen into my hands with all the principal Partizans of Detroit. This stroke will nearly put an end to the Indian war, had I but men enough to take the advantage of the present confusion of the Indian nations, I could silence the whole in two months I learn that five hundred men is ordered out to reinforce me.

If they arrive with what I have in the country, I am in hopes will enable me to do something clever.

I am with respect Sir

Your very humble servant

G. R. CLARK.

Colonel Harrison
Speaker of the House
Williamsburg
p^r W^m Moires.

CLARK TO NANALOIBI.

Canadian Archives, Series B, Vol. 122, p. 342.

A NANALOIBI CHEF DES PONT.

J'entends toujours dire que les sauvages n'ont point d'oreilles — je crois qu'il seroit à propos que je fis une sortie sur eux pour leur en donner.

Cependant je ne me plains pas encore de toi ni de tes jeunes gens parce que l'on m'a dit que vous ne vouliez pas aller en guerre sur les grands couteaux c'est ce qui me decide aujourd'hui a te donner la main et te dire, comme pere, de rester tranquil sur tu natte — comme tu as fait jusqu'a present et d'avertir tous les sauvages qui sont de tes amis de n'etre plus fous et de charger pour faire vivre leurs femmes et leurs enfants plutot que de se meler de la guerre.

dis leur en mon nom que je suis aussi bon pere que bon guerrier et que s'ils poussent ma patience a Bout qu'ils me connoitront, s'il y en a qui veulent et encore fous je les invite de se precautionner d'armes solides parce qu'ils seroient malheureux s'ils venoient a manquer — j'ai des soldats qui n'ont point peur et qui sont fous aussi — je ne les pourrai peut etre point arreter moi même car ils ne cherchent que la guerre et ne demande qu'à se battre. ainsi je te repete encore que les sauvages restent tranquils je ne veux point qu'ils se battent ni pour ni contre moi s'ils ont les oreilles touchées qu'ils les fassent percer. Fait leur dire ou dit leur toi meme qu'il y a longtems que je les avertis et que je commence a être fatigué — de tous les sauvages je n'ecris qu'à toi et a *Mech Kigie* parce que je crois une partie des autres mes ennemis qui me connoitront à la premiere folie qu'ils pourront faire. N'écoute point les mauvais oiseaux qui viendront dans ton village pour lever les jeunes gens regarde toujours les françois comme tes alliés qui leur fait du mal m'en fait. si quelqu'un vient chez toi pour lever les jeunes gens de la part des Anglois je t'ordonne si tu veux être mon ami de prendre tous les effets qu'ils pourront apporter et de me les envoyer ou de les separer egalement dans ton village.

Ceux qui vous invitent a la guerre sont vos plus cruels ennemis aussi croyez moi soyez tranquil si vous ne voulez pas rendre vos familles dignes de pitié.

Voila mon dernier avertissement.

S^t CLARK

Undated. Sent by Major de Peyster 1st July, 1779.

3. *Georgia and the Confederacy, 1865.*

(Letters copied from the originals in private hands. Communicated by Mr. John Osborne Sumner.)

GENERAL HOWELL COBB TO SECRETARY SEDDON.

[Endorsed.]

Rec'd. Jan. 20, '65. His views regarding the policy of the war ; suggests a return to the volunteer system ; utterly opposed to arming the slaves. &c. &c.

[In another hand.]

Respectfully submitted to the President. While differing materially from the views of the within letter, my confidence in the patriotism and my respect for the judgment of Gen'l Cobb induce me to invite your consideration of it.

21 Jan. '65.

J. A. SEDDON.

MACON, Jan. 8, 1865.

HON. J. A. SEDDON,
Sec'y of War, Richmond, Va.

Sir : —

[Seddon had written him regarding pushing the conscription ; he replies he is doing all he can, but many will never be reached except by the free volunteering system which he again urges]. . . the proposition to make soldiers of our slaves, the most pernicious idea that has been suggested. It is to me a source of deep mortification and regret to see the name of that good and great man and soldier, Gen'l. R. E. Lee, given as authority for such a policy. My first hour of despondency will be the one in which that policy shall be adopted. You cannot make soldiers of slaves, nor slaves of soldiers. The moment you resort to negro soldiers your white soldiers will be lost to you, and one secret of the favor with which the proposition is received in portions of the army is the hope that when negroes go into the army *they* will be permitted to retire. It is simply a proposition to fight the balance of the war with negro troops. You can't keep white and black troops together and you can't trust negroes by themselves. It is difficult to get negroes enough for the purposes indicated in the President's message, much less [*sic*] enough for an army. Use all the negroes you can get, for all the purposes for which you need them, but don't *arm them*. The day you make soldiers of them is the beginning of the end of the revolution. If slaves will make good soldiers our whole theory of slavery is wrong, but they won't make soldiers. As a class they are wanting in every qualification of a soldier. Better by far to yield to the demands of England and France and abolish slavery and thereby purchase their aid, than to resort to this policy, which leads as certainly to ruin and subjugation as it is adopted. You want more soldiers and hence the proposition to take negroes into the army. Before resorting

to it, at least try every reasonable mode of getting white soldiers. I do not entertain a doubt that you can by the volunteering policy get more men into the service than you can arm. I have more fears about arms than about men. For Heaven's sake try it before you fill with gloom and despondency the hearts of many of our truest and most devoted men by resort to the suicidal policy of arming our slaves.

Having answered the inquiries of your letter, let me volunteer in a few words a suggestion. *Popularize your administration* by some just concessions to the strong convictions of public opinion. Mark you, I do not say yield to popular clamor, but concede something to the earnest convictions of an overwhelming and, I will say, an enlightened public opinion. First, Yield your opposition to volunteering in the form and manner which I have heretofore urged. Second, Restore Gen'l Johnston to the command of the army of Tennessee and return Gen'l Beauregard to South Carolina. With Lee in Virginia, Johnston here and Beauregard in South Carolina, you restore confidence and at once revive the hopes of the people. At present I regret to say that gloom and despondency rule the hour, and bitter opposition to the administration mingled with disaffection and disloyalty is manifesting itself. With a dash of the pen, the President can revolutionize this state of things and I earnestly beseech him to do it.

Sincerely yours,

HOWELL COBB, Maj. Gen'l.

GENERAL HOWELL COBB TO PRESIDENT DAVIS.

AUGUSTA, 20 Jan'y, 1865.

Private and confidential.

HON. JEFFERSON DAVIS,
Presd't, etc.,
Richmond, Va.

Dear Sir:

It gives me no pleasure to write this letter, but it is my duty both to you and our cause, to say what I am about to say. In a former letter I expressed the opinion that the prevailing sentiment in this state would in the end become true and loyal. I regret to say that the feeling becomes more and more disloyal every day. I am unwilling even now to write the extent of disaffection which exists and is spreading every hour. It could not be worse. I meet every day the men whom I regarded as the last to yield, who come to me to represent their helplessness and despair. I meet those whom I know have been the warm and earnest supporters of your administration, and find them, not in open hostility, but deeply disaffected, and under the cloud which our reverses have brought upon us. Let me say to you in all candor and frankness that the opposition to your administration has become so general that you know not whom to look upon as a friend and supporter. I tell you unpleasant truths, but you should know them — for the crisis demands that you should be honestly informed of the

true state of things. Many of the causes which have produced this state of things are beyond your personal control — such as the conduct of the Quartermaster and Commissary Departments in the failure to supply them with money, and the conduct of inefficient subordinates who have too often taken more pains to trample upon the feelings and rights of citizens than to do their duty. All this is past immediate remedy. But, Mr. President, there are things which you can do, and which I again urge and press you to do. First, respond to the urgent, overwhelming public feeling in favor of the restoration of General Johnston. I assure you that your refusal to do this is doing you more harm and producing more opposition to your administration than you dream of. Better that you put him in command — admitting him to be as deficient in qualities of a general as you or any one else may suppose — than to resist a public sentiment which is weakening your strength and destroying your powers of usefulness.

Second, rest assured that the conscription law has done its work, and you cannot maintain your army if you look to that law to furnish security. The law is odious, and cannot be enforced in the present state of public feeling. I will not repeat what I have heretofore urged as the proper remedy, but will only say that the time is fast passing when anything can be done by volunteering.

This brings me to the main object I have in writing you at this time. By accident I have become possessed of the facts in reference to the proposed action of the Governors of certain States — you have doubtless heard something of it — in connection with the proposed State conventions. There is such a project under discussion. Some who started this movement are urging State conventions, that steps may be taken to take the control of affairs out of your hands. Others favor the movement because they believe it will lead to peace, and they are willing — and I believe anxious — for peace, even upon terms of reconstruction ; and in the present state of feeling, if a convention should be called in Georgia, it would be an unconditional submission concern. Whilst these opinions and views are entertained by some — perhaps many — who favor these State conventions, the movement will not be sustained to that extent, as far as I know or believe, by any State executive. *At present* the Governor of this State is opposed to the call of a convention, and will continue opposed to it as long as it is his interest to be so, and *no longer*. Of other Governors I cannot speak, but I have no idea that any of them will *now* favor a convention. My opinion is that they will do this — and I communicate it that you may fully appreciate its importance, if it turns out as I expect ; — they will address you an earnest appeal for a change of policy on the part of the Confederate government, on the subject of the conscription laws, impressments, etc., etc. If I have been correctly informed, their efforts will be mainly directed to the point of recruiting the army, and will look to the volunteering system and to the State machinery for that purpose. Whilst I have no sympathy — as you well know — with those who have made war upon your administration, — I do not hesitate to say to you that

the safety of the country and the success of our cause require concessions from you on these subjects. The time has come when we must do — not what we prefer, but what is best for the country, and you underestimate the dangers by which we are surrounded if you attribute this perhaps unwelcome communication to any other motive than a sincere desire to advance the cause more dear to me than life itself.

I am, with sentiments of sincere regard,

Very truly yours, etc.,

HOWELL COBB.

SENATOR B. H. HILL TO PRESIDENT DAVIS.

LA GRANGE, GA., Mar. 25, '65.

My dear Sir: —

As we have been receiving no mails from Richmond, I take it for granted none are going from here to Richmond and therefore have not written often. I now take an opportunity of sending this by safe hand and will write a short letter.

The feeling is evidently improving in Georgia, and my information is that very many absentees are returning to their commands.

The very day the Governor's message was sent in, I made prompt and direct issue with him on the subject of calling a Convention. On the first proposition to call a Convention, there were but two *yeas* in the House. The question was changed and assumed the form of a proposition to refer the decision of "Convention" or "no Convention" to the people. In this form it received more votes but was still voted down by a very decided majority.

The disappointed faction then threatened to agitate for the call before the people, pleading the movement in Texas as a precedent. But as that was a call *without* authority of the legislature, and this would be a movement *against* that authority, they find themselves as destitute of precedent as they are of principle and patriotism in making the movement. I am satisfied it is effectually dead, and I have ceased to discuss it in my addresses to the people.

I am fully satisfied Gov. Brown's message was the first step of a concerted movement to inaugurate another revolution, and as such I feel happy in its prompt and decided defeat. Mr. Stephens (Vice-President) made no speech at all. His brother was earnest for the Convention, and the whole influence of both was in that scale, and is included in the defeat. The Senate passed strong resolutions, with only two dissenting voices, for a vigorous prosecution of the war. They were not voted on by the House; for what reason I have not learned, as I had to leave Macon, and did not get back before the adjournment. I know they would have passed almost unanimously.

Best of all, our people are rapidly improving, and I do hope Georgia will be a source of no further trouble. The people were always right, but

a few bad, disappointed, prominent men, with the control of several papers have been able to make much noise.

I think even Brown cannot convince the people that he will act "in cordial cooperation" with the Confederate authorities again, and I now look confidently to his defeat in October next.

Nothing gives me more pain than the conduct of Mr. Stephens. He was under every obligation of honor and patriotism, after the failure at Hampton Roads, to raise his voice and urge our people to a vigorous renewal of the war spirit. He has not done so, and I will not venture even in a private letter to express my utter abhorrence of the man's conduct. He has been a weight for two years and seems determined to remain one. As I urged you to put him on the commission, and as you were kind enough to tell me my opinions and wishes influenced the Cabinet in the matter, I will say that as it has turned out, nothing was ever more fortunate. His failure has at least *silenced his* pernicious tongue about "brains" and has made true active patriots of many of his heretofore deluded followers.

I am deeply pained with the action of the Senate upon your frank message, as that action is reported to us by telegraph. I fear poor Wigfall has gone the way all such men go, abandoned principle to satisfy his private ungrounded hate. Why don't such men as Wigfall, and Stephens and Brown learn a lesson from the fate of their friend Foote? Poor Foote! he has fallen, but he was the very best man of the party, and fell first only because he was most honest. Bad men, like water, will find their level one day. I felt very badly, in view of my absence, when I saw the action of the Senate, but I could not get back, and I know my visit here has done good.

I know your labors are heavy, and your trials and vexations are numerous, and often I find myself wishing I could do or say something to aid you. A great cause is in your hands, and many who ought to hold up your hands are pressing them down. And as disasters fall upon us these men press the harder against you.

But pardon me for saying be of good cheer, we shall conquer all enemies yet and best of all is the sweet consciousness of duty fully discharged, which I know will be your comfort and joy in any event.

I shall continue to address the people and endeavor to encourage them to stand to their duty whatever disasters may befall us. Mr. Lincoln's meanest detachment is here in Georgia, but they will be unable to carry the State away.

I have no thought or desire now but to help win this fight. If there is any work in my power to do during this recess of the Congress, I will most freely undertake it. Understand, I will have no reward or any position. All I ask is to *serve*, in any way, consistent with the position I already hold. I will go to Richmond, or to the army, or anywhere I may possibly be able to do good, and no private or personal interest or comfort shall stand in the way.

Pardon me for writing so freely to you. It is the *Country* I wish to serve, and it does seem to me there never was a time when any country more needed the services of all her children, and I simply desire to place mine at your disposal. I do feel a strengthening faith that we shall succeed, and while I feel deeply solicitous to hold Richmond, yet even its fall will not weaken my faith or lessen my efforts.

I take the liberty of enclosing a copy of the speech which I made at this place to my neighbors. I do not expect you to have time to read it, but it can do no harm to send it. It is an humble effort, as all my efforts must be, but never did the heart more honestly applaud what the mind conceived and the tongue uttered.

Forgive me also, for so long a trespass on your time.

Our people do and will continue to support you and may God sustain you.

Most sincerely yours,

B. H. HILL.

The President.

REVIEWS OF BOOKS

The Story of Vedic India, as embodied principally in the Rig-Veda.

By ZÉNAÏDE A. RAGOZIN. [The Story of the Nations.] (New York and London : G. P. Putnam's Sons. 1895. Pp. xii, 457.)

THE writer of a book on Indian history encounters, at the very start, difficulties of an unusual character. There are no fixed dates prior to the date of Buddha, about 500 B.C. Instead, a certain measure of fluctuating relative chronology, based upon internal data of the most perplexing character. Thus, it has been possible, quite recently, for two scholars, Professor Jacobi of Bonn, and the Hindu Bál Gangádhár Tilak, to assume simultaneously, upon the basis of certain astronomical data, the remote period 4000-4500 B.C. as the date of the composition of the earliest Hindu document, the Rig-Veda. At the same time a French scholar, J. Halévy, has still more recently repeated an argument, advanced by himself ten years ago, which tends in exactly the opposite direction. According to this the Vedic texts cannot have been reduced to writing earlier than the period of Alexander's invasion of India.¹ Even the most exuberant faith in the capacities for memorizing with which we may credit the ancient Hindus, judging by their performances in that direction to-day, is not sufficient to warrant the belief that oral tradition alone could have carried the large body of Vedic texts through many centuries. Then there is the rather Philistine older assumption that the Vedas were composed from 1200-1500 B.C., a view based upon the vaguest kind of impression as to the quantity of time that must have been consumed in composing the Vedas, the bulk of which certainly preceded the date of Buddha.

This absence of fixed dates reflects very directly upon the judgment of the chronological flavor, so to speak, of the early Hindu documents. To some the Rig-Veda is still the "hoary bible of the Aryans"; to others it is the product of an advanced phase of priest-craft, as remote as possible from any kind of primitiveness. Thus the valuation of the very substance of the Vedic sources is uncertain; there is no point of vantage for a fixed perspective; the estimate of each series of fact shifts with each different vision.

Again, there are no names of historical consequence prior to Buddha. Here and there the name of some priestly sage is recorded with a certain emphasis, but he is famous for some particular trick at the sacrifice, or some refinement of theosophic speculation, rather than the establish-

¹ See *Revue Sémitique*, July, 1895.

ment of a new phase of thought, or broad religious law. Here and there secular chiefs (*rājas*) are mentioned, but they lead no political movement. They are mentioned in laudatory terms when they give much to the priests, or their downfall is depicted when they come into conflict with priestly arrogance. At best they engage in predatory conquests that leave behind them no permanent political history. There is no Moses and there are no Pharaohs, no Zoroaster and no Achaemenian dynasty.

This want of saliency on the side of political and nomistic events characterizes the early historiography of India. It is largely a history of religion and private antiquities, extending over a very considerable period, no point of which is absolutely fixed. The most important and dignified document, the Rig-Veda, is a collection of hymns to nature gods, recited in connection with the sacrifice, a thoroughly priestly production, the end and final outcome of an indefinitely long period of priestly activity. The document next in importance, the Atharva-Veda, is a collection of charms and prayers connected with the daily life of the people and its rulers, — prayers for health and long life, charms against specific diseases, prayers for the prosperity of house, field, and cattle, incantations against demons and enemies, etc. These are flanked by the so-called Brāhmanas, elaborate technical expositions of the sacrifice, which contain, incidentally, many valuable glimpses of Vedic life and institutions. And there are, also, a certain class of treatises, the so-called Sūtras, apparently of later composition, though their subject-matter is not at all late, which, for the first time, deal with the life of the Hindus systematically: they are codexes of religious customs and laws; they prescribe the individual's conduct from birth to death, his relations to his fellow-men, and to the state or community.

The ideal history of the Hindu people of Vedic times needs to extract and elaborate all this literature, to present every detail of character, life, and history, in so far as these texts furnish evidence. Chronological distinctions may be ventured upon here and there, but, above all, the entire mass of recorded facts, arranged point by point, are an obviously necessary preliminary. A sober collection of this sort could afford to lie waiting patiently for its final chronological irradiation. This is pretty certain to come in due time. Of such a collection there are, at present, only fragments.

Madame Ragozin is favorably known as the writer of a number of "stories" of ancient Oriental peoples, the Chaldeans, the Assyrians, and the Medo-Persians. Her work is professedly that of popularization, and that, too, in domains of historical and philological research where nearly everything is in a state of flux. We may state at once that she has brought to her present task reading of no mean breadth, a certain untarnished freshness of vision, and enthusiasm broaching on fervor. The *Story of India* is thoroughly readable, and will serve the purpose of a first acquaintance with the subject. The author does not seem to know that she was preceded, in 1893, by a work dealing with precisely the same

subject in a more substantial form, Edmund Hardy's *Die Vedisch-Brahmanische Periode*. Hermann Oldenberg's notable book, *Die Religion des Veda* (1894), probably came too late to permit her to incorporate its results. There is, too, — and that is curious in the case of an American writer, — no evidence of any acquaintance with a considerable body of significant researches on Vedic mythology and institutions, printed during the last decade by American scholars in the *Journal of the American Oriental Society*, and the *American Journal of Philology*, though she often goes no little distance afield in the presentation of antiquated views of older European scholars. Thus the myth of the two dogs of Yama, the Hindu Cerberi, the messengers of the Hindu Pluto (pp. 182, 256 ff.), has been elucidated in an article in the fifteenth volume of the *Journal of the American Oriental Society*. The Vedic texts themselves state explicitly that they are sun and moon, who pick out men for death in their daily coursings across the sky. Similarly the myth of Saranyū (pp. 252–256) is discussed from a new point of view in the same volume of the same journal.

The real difficulty with a work like the present is that it is a compilation, and is not done by a professional Vedist. There is still so much to be done in the first editing, critical restoration, and philological interpretation of Vedic texts that Vedic scholars are hardly willing to engage in the work of superstructure upon a shifting foundation. And yet the professional scholar alone is capable of measuring and presenting the measurements of the difficulties and uncertainties which attach to any line of facts. Thus the book errs distinctly and fundamentally in presenting Vedic history almost entirely upon the basis of the priestly, sacrificial collection, the Rig-Veda, and practically ignoring the plainer and more vital records of the Atharva-Veda, and the Grihya-sūtras, the repositories of Vedic popular life. As well present our civilization upon the incidental statements of the Book of Common Prayer. This error, to be sure, is one which has prevailed until comparatively recent times; the contrary tendency is a development of the past dozen years, but none the less important, of course. Three chapters (V.–VII.) are given over to mythology, one (IX.) to early culture. This, moreover, is based upon the incidental, scant data of the Rig-Veda, and yet it is the business of the Atharvan and the Sūtras to deal with that very subject. The book gains something in antique flavor and romantic coloring, but loses greatly in firmness of outline and surety of touch.

The reader may be warned against propagating the Sanskrit, and the linguistic statements of the author. The former is frequently misspelled, the latter are full of antiquated futilities. The style of the book is fresh and agreeable, marred here and there (e.g. pp. 52, 64) by sentences of portentous periodicity.

MAURICE BLOOMFIELD.

The Messiah of the Apostles. By CHARLES AUGUSTUS BRIGGS, D.D., Edward Robinson Professor of Biblical Theology in the Union Theological Seminary, New York. (New York: Charles Scribner's Sons. 1895. Pp. xv, 562.)

THIS volume completes a study of Jewish and Christian Messianic ideas begun with the *Messianic Prophecy* of the Old Testament in 1886 and continued by the *Messiah of the Gospels* in 1894. The aim is to detail the steps by which this whole complex of ideas advanced to completeness. The author feels more than an historical interest. For him these apostolic ideas are truth in the very proportions of their original statement. The apostolic meaning is also the author's "confession of faith." This religious interest has imposed some limits to the enterprise, by which theologians and historians will not be equally satisfied, but this candid and laborious inquiry will be considered here solely as a contribution to the history of ideas.

What we are offered embraces more than the Christology of the Apostles. Messiah being an eschatological notion, the whole network of eschatology is involved. Taking the various documents in the order established by a critical inquiry which is presupposed and for the most part undefended, Dr. Briggs prints the significant passages with a modern paraphrase which conveys some exegesis and some discussion. A final chapter adds up the varied elements of imagery and doctrine found within the apostolic canon. This somewhat loose treatment gives prominence to the great diversity of these elements, and, as is claimed, escapes the danger of sacrificing any to the necessities of logical construction. It calls attention to the intense productivity of an age of religious agitation and to the incidental, unsystematized fashion in which passionate pictures of Oriental imagination and cosmological notions hardly less pictorial in form were scattered forth for germination in the world's thought. The final summary provokes a comparison with the Christology of the doctrinal system of the Church at the close of its first period. As if by a natural fate, not all the seeds had then won blade and fruit, but only such as could be assimilated by the philosophic tendencies of religion in the Hellenic world. The contrast is made the more obvious by the prominence of the Johannine Apocalypse and the relatively subordinate proportions of Pauline thought in Dr. Briggs' treatment. Many a scholar, not yet emancipated from the Protestant pessimism which disparages the tendencies of post-apostolic times, may be awakened to value the organizing and clarifying work of the Church's doctrinal development. The peculiar merit of the book lies in this exhibition of doctrinal materials without regard to doctrinal system, and not in any acuteness of exposition by which the ideas are given interest and distinctness.

Recognition being made of this element of novelty, there remains abundant cause for dissent, even if exegetical details are ignored and prominent matters alone considered. Questions of authorship and historical accuracy hardly lie within the scope of Biblical Theology, if that

discipline is rigidly defined, but it may be said that the author's results embarrass his critical principles. There is a chapter on Jewish Christian conceptions based on Acts, Peter, James, and Jude, and another on Early Paulinism drawn from Thessalonians and the speeches in Acts. If Baur misused the term "Jewish Christian," Dr. Briggs is even more guilty. If it indicates only local origin and not a theological cleavage, the separate treatment of the Apocalypse is unjustifiable. On the other hand, to accept the accuracy of the Book of Acts and to treat Peter as theologically a Jewish Christian is surely a curiosity in method, all the more as appeal is made to the 1st Epistle of Peter, the deutero-Pauline character of which has been so successfully argued by unprejudiced students. Only once does Dr. Briggs find his "Early Paulinism" advancing beyond Peter, and there Paul appears as a kind of legalist after all. By Acts xxii. 39, the Law justifies men so far as it is obeyed, the outlying sum of transgressions being covered by faith in the Messiah. Is this the Law entering that the offence may abound, and are not believers dead to the Law by the body of Christ? Obviously, the critical principles of Dr. Briggs are not very rigid.

The commonplace dulness with which the fiery apostle of *sola fides* is treated rouses a second complaint. A chronological sequence cannot dispense with critical exposition. We miss the movement, the struggle, the vitality which since Baur have enlivened the analysis of apostolic ideas. We are offered exegesis more than explanation. This is due in part to the plan of merely stating the substance of passages in their textual sequence, but it is plain that this "inductive" method has been wrongly limited to the gathering of facts. The reader is not initiated into the apostolic correlation of ideas, and is asked to be content with the mere statement of that which lies on the surface of our New Testament. There is a distinct interdependence of notions in Paul's mind, without which the Pauline conception of Messiah and Messiah's work is not easily comprehended. Furthermore, the representative forms, the *Vorstellungen*, for notions like *Doxa*, *Pneuma*, *Nomos*, were not those of the modern mind, and until the psychological algebra of Paul's mind has been defined, his solution of problems of religious experience remains vague and lifeless. Doubtless the reverence which seeks a confession of faith prevents a discrimination of the form and substance of the thought. Nevertheless this neglect of the association of ideas has clouded many topics, notably Paul's conception of the Messiah's reconciling death. Dr. Carroll Everett has argued that vicarious penal substitution was not involved in any ancient theory of sacrifice, and that Paul understood neither a penal nor a sacrificial death. Dr. Briggs dissents, but he does not solve the problem. He notes the diversity of statements, but he refrains from finding the unity, at which he hints by speaking of various "aspects" of Christ's death. Page 155 speaks all too vaguely of a representative and penal value, and elsewhere (pp. 147, 159) we find two distinct sacrificial aspects. Surely Paul's view did not shift from page to page, and surely a definite relation to Old Testament ritual leading to such contrariety cannot have been present to

the mind. Schmiedel's Commentary on Corinthians affords material for arguing that the idea of representative penal substitution is the more certain, and that this notion had become blended with that of sacrifice in an age when sacrifice was ritualistic tradition without any well-defined theoretic explanation. Probably this correlation of ideas cannot be established without drawing on other sources than the New Testament, but the historian profits little if the dogma of inspiration is saved while the meaning is lost.

We have reserved the most original feature of the book. If there is too little rigor in expounding Paul, there is perhaps overmuch in dealing with the Apocalypse. Without fully substantiating his theory, Dr. Briggs offers a new dissection of John's Apocalypse into original documents. That this puzzling book makes use of inherited apocalyptic material is probable, but that it is possible to treat it as a compilation and show its component parts may still be doubted. So long as Dr. Briggs presents us with results without the full critical process, we read with interest but without conviction. This dissection, quite as intricate as any yet offered, serves to show how much of Palestinian imagery could find no place in the philosophical dogma of Christendom, and the discussion can only promote the solution of an unsolved problem. Here, as elsewhere, the work, by its freedom from contentiousness, and by its respect for other learned opinion, claims a dignified place in contributions to historical theology.

FRANCIS A. CHRISTIE.

Italy and Her Invaders. By THOMAS HODGKIN, D.C.L., Litt.D. Vol. V. The Lombard Invasion; and Vol. VI. The Lombard Kingdom. (Oxford: Clarendon Press. Macmillan and Co. 1895. Pp. xxi, 484; xix, 635.)

WITH the two volumes on the Lombards in Italy, Dr. Hodgkin brings his great work down to within one volume of its conclusion. It has been a work very variously judged according to the point of view of the reader, but none can deny to Dr. Hodgkin the great merit of having grappled bravely with a period full of difficulties. Sources meagre and perverted by every circumstance of ignorance and prejudice; nations wholly barbarous or just emerging into fuller civilization; institutions obscure and shifting, — these have been the materials out of which the narrative of the Italian invasions from Visigoth to Lombard has necessarily been woven.

In beginning the present division of his work, Dr. Hodgkin calls renewed attention to these difficulties, which have certainly nowhere been greater, and thus seems to forewarn himself against any criticism arising from this inherent source of imperfections. The plan of his two volumes includes, primarily, an account of the circumstances which led to the Lombard movement upon Italy, an inquiry into what he calls the "Lombardic foreworld", the establishment of the Lombard kingdom in the Po valley, and its expansion through the peninsula, the foundation of the

four great duchies of Trent, Friuli, Benevento, and Spoleto; their relations with each other and with the kingdom, and the dynastic history of the royal house. Connected with this central thread we have elaborate treatises upon many topics related, indeed, to the Lombards; but so numerous and so far-reaching that one has occasionally to remind oneself that the title of the book is not "The Invaders of Italy," but "*Italy and Her Invaders*." Among these collateral subjects we have the papacy, especially under Gregory I., to whom nearly 200 out of the 1100 pages are devoted; the empire, chiefly in its dealings with the papacy and with the Lombards; the Franks with especial reference to their future relations with the Lombards in Italy; and finally the legal and political institutions of Italy under Lombard influence.

The main reliance throughout is naturally upon the national historian of the Lombards, Paul "the Deacon," an author contemporary with Charlemagne, and, therefore, dependent upon tradition or upon earlier writings of which we have little or no knowledge. Using Paulus as a guide, the author has drawn into his service now one and now another contemporary source from which a scrap of information could be gained to complete or to correct the central narrator. He has read his sources with diligence and has utilized them after his own familiar fashion to make up a fairly continuous narrative.

Yet we doubt if any one can lay down these two weighty and elegant volumes without a somewhat distressing feeling of confusion, and of disproportion. Dr. Hodgkin betrays, in his preface, a view of historical writing which is as far as possible from being commendable. He distinguishes sharply between the "general reader" and the "trained historical student," and goes so far as to advise, after the manner of older writers, that the general reader should entirely omit the chapters on Lombard law, the administration of the exarchate, and the "Istrian Schism." Indeed, it is plainly to facilitate this process that he has treated these subjects by themselves, and thus deprived them of that connection with the outward movement of events which alone can give to each life and interest. Such distinction among readers is a piece of meaningless conventionalism. Surely in this case there can be no question that the Lombard law and the civil administration of the empire are as much more interesting than the dull and meagre catalogue of horrors called Lombard political history, as a serious review of modern public questions is more interesting than a penny dreadful. The separation of political and institutional history admissible in a manual is out of place in a work intended to be exhaustive.

It seems to be in the same purpose of patronizing the reader that Dr. Hodgkin adopts a style which, we should suppose, far from conciliating, would exasperate almost any one who looks for a plain and simple account of the things that are really important in the life of a nation. It would have been most welcome to all such readers, if, instead of toiling through 1100 pages, they had been let off with 400, and the change could

easily be made without losing a word that helps towards the result. Verbosity and what he styles the "dignity of history" seem to mean almost the same thing to our author. Big words and sounding phrases abound, and not merely in places where the subject rises to any unusual height. Picturesqueness seems to be the aim of every description, and this at the expense of clearness and definiteness of impression. It is undoubtedly a virtue in the historian to avoid cock-sureness and to make it quite clear that he is not omniscient, but Dr. Hodgkin's use of qualifying phrases is most extraordinarily frequent; we find on one page four "probablys," "possibly," "perhaps," "apparently," and "seem to have been." The effect is more than unsettling. Paulus says that King Alboin's nephew, Gisulf, when he was made governor of Forum Julii, "demanded also of the king droves of well-bred mares." Hodgkin says, "Horses were also needed, that their riders might scour the Venetian plain and bring swift tidings of the advance of a foe; and accordingly Gisulf received from his sovereign a large troop of brood mares of high courage and endurance." This kind of expansion is typical. It is, frankly, padding, and nothing less, and frequently produces an impression quite the reverse of true. When Paulus speaks of a man fleeing *in Austriam*, our author cannot refrain from saying that he fled "into the eastern half of the Lombard kingdom, a territorial division which we now for the first time meet with under a name memorable for Italy in after centuries, and in another connexion — the fateful name of AUSTRIA." Here the mere accidental use of a term common to several of the Germanic states is made to appear important and significant, and this is happening in almost every paragraph.

Again it is quite admissible for an historian to illustrate the conditions of one age or place by comparison with others, but he must be quite sure that the comparison is really significant. Our author is very fond of this kind of illumination, but is frequently led away by his desire to be telling, as, e.g., when he calls Pavia a "barbaric Versailles," simply because Queen Theudelinda had pictures of the Lombard victories painted in her *palastrum*, or again, when he gives us a detailed comparison of the Lombard invasion with that of the Israelites into Canaan.

Even the general reader might be pardoned if he were a little wearied by such sentimental outbursts as that on page 433 of Vol. V., in which Dr. Hodgkin sighs over the silence of history as to the emotions of a "daughter of the Thuringians" — more simply daughter of King Agilulf — while in captivity at Ravenna, when set free, and when restored to her father's arms, and as to how that father felt when he heard that "a mightier than the Exarch," etc. — in short, that she was dead. Indeed, we may be thankful that a story is silent on such useless matters, for as it is we have in these bulky volumes far too much of petty personalities.

These defects of style might more easily be pardoned if they were only blemishes on a great historical picture, but they are of the essence of the author's character as an historian.

Not infrequently a fatal tendency to generalization leads him in these, as in former volumes, into curious inconsistencies. For instance, he adopts from the beginning the theory that the Lombards were a far more savage and barbarous people, and far more oppressive conquerors, than the earlier Germanic invaders; yet he nowhere supports this theory by facts. On the contrary, his account of their march into Italy and their treatment of the inhabitants is noticeably favorable to their humanity and discipline. The postponement of any analysis of the Lombard political institutions until nearly the close of the book, leaves the reader in utter uncertainty as to the meaning of the words "king," "duke," etc., during the whole account of the growth of the new state. True, there is a little philological inquiry, borrowed from German writers, about the word "duke," but no intelligible account of the thing itself. The same is true of the relations between Lombardi and "Romani." In the very last chapter we have a meagre statement, largely copied from Karl Hegel, but leaving us as ignorant as before. The alleged greater oppressiveness of Lombard rule is ascribed with considerable iteration to the fact that they took their thirds of conquest in the form of produce rather than land, thus becoming a kind of absentee landlords. Paulus says, "In these days many of the Roman nobles were slain *ob avaritiam*. The rest [Hodgkin says of the Roman inhabitants, not of the nobles] being divided among their 'guests' on condition of paying a third part of their produce to the Lombards, became tributary." From this one sentence we are given to understand that the large Italian landowners were, as a rule, killed off, while the lesser holders became, through the payment of a third of their produce, something like serfs to the Lombards. All this is emphasized by comparison with the former invaders, so that one would almost get the impression that Herulian and Visigoth had become honest Italian farmers, and left to the Lombards the function of ruining the native population. In all this inquiry Dr. Hodgkin makes no pretence at originality, but frankly presents the views of others and declares himself, generally with moderation, in favor of one or another conclusion.

It interests our author to point out what he calls the germs of personal law in the Lombard state; but we may well ask whether the idea of personal law was not here, as elsewhere, the natural thing to the Teutonic mind, and the attempts pointed out in Italy to make other peoples subject to Lombard law rather the germs of a new sense of territoriality. Surely it is misleading to speak of personal law as if it were a development of Carolingian times. Dr. Hodgkin's principal reference on this point, the driving out of a Saxon contingent by the Lombards, because they wanted to live *in proprio jure*, is not convincing; for that phrase might simply mean in this loose Latin "independently."

In the chapters on law we find that Dr. Hodgkin, after all, cannot hope to escape the general reader; for he is evidently addressing him at every turn. He very properly disclaims any scientific analysis of the Lombard law and simply makes selections from the code of Rothari and the

legislation of Luitprand, interspersing them with somewhat jaunty illustrations and occasionally with references to the other Germanic codes. The indications of advancing civilization are pointed out with considerable cleverness, but the impression of legal principles is blurred by a pervading incapacity to say the thing which needs saying at the right moment. Of course we have to hear about the English jury system and the *sacramentales* or fellow-swearers, but we doubt if any one would be much the clearer for this comparison. One would suppose that the *sacramentalis* was expected to know the facts of the case, and would certainly get the idea that the whole theory of the trial by *sacramentum* rested upon the power of one juror to break the deadlock which Dr. Hodgkin assumes as the natural condition of a Lombard trial. The really essential thing — the peculiar Teutonic conception of evidence — is left quite out of sight.

As to the religious conditions of the Lombards, we are given but little suggestion of the momentous change from Arianism to Catholicism. The obscurity of our sources leads Dr. Hodgkin to assume that religion was a matter for which the Lombards, unlike any of their Germanic relatives, had little or no interest, and he goes so far as to say that "probably" neither the counsellors of King Agilulf, nor "perhaps" the king himself, knew whether he was Arian or orthodox! It is a thankless task to point out these defects in the work of a man so sincere, so learned, and so diligent; but really one cannot open the book anywhere without being nettled by decorations which do not embellish but only confuse and mislead. This is not sound scholarship. It is amateurish from beginning to end. The traces of accurate historical method are only a surface, beneath which we constantly perceive the good, old-fashioned literary man, who writes history as an elegant accomplishment.

The History of English Law before the Time of Edward I. By Sir FREDERICK POLLOCK, M.A., LL.D., Corpus Professor of Jurisprudence in the University of Oxford, and FREDERIC WILLIAM MAITLAND, LL.D., Downing Professor of the Laws of England in the University of Cambridge. (Cambridge. Boston: Little, Brown and Co. 1895. Two vols., pp. xxxviii, 678, xiii, 684.)

The book before us is by two Cambridge men. Of Sir Frederick Pollock we need not speak. He is well known in this country and, besides, he tells us in a note to the preface that "by far the greater share of the execution," by which he says he means the actual production of the book, "belongs to Mr. Maitland," who holds the chief professorship of law in that university. Mr. Maitland's historical turn of mind, so marked in everything he has written, first found expression, if we are not mistaken, in his *Gloucestershire Pleas of the Crown* (1883). Taking his work altogether, from the *Gloucestershire Pleas* to and including the *History*, we

do not hesitate to say that in Mr. Maitland we have the learning and the intimacy with the *fontes* of Brunner; shall we add, that we have further what we find in Sohm — Brunner has never done anything so brilliant as the *Procedure of the Salic Law* — the gift which men call genius? We must be temperate; but there are chapters and parts of chapters in this work in which there is penetration not found in ordinary books of history. The chapter on Roman and Canon Law is masterly; so is the one on the age of Bracton. Of detailed examination presently.

In style the book is fresh, ready, almost conversational. To one who knows Mr. Maitland it is his living voice, or at least his epistolary pen. Perhaps one may be inclined to think, now and then, that the writer is playing with a rather stately subject; but the objection would not be pressed very far.

The work is divided, unequally in point of bulk, into two books, preceded by a short introduction, itself a good piece of work. Book I. is entitled "Sketch of Early English Legal History"; Book II. "The Doctrines of English Law in the Early Middle Ages." That is, Book I. deals with history in the direct sense of the forces which make for the state of things seen in Book II.; while Book II. accordingly is a book of law written after its day. (The central feature of the whole work is, roughly speaking, the Angevin period, or from the middle of the twelfth to the last quarter of the thirteenth century — from Henry II. to Edward I.)

The Angevin period is sufficiently well marked to justify the authors in treating it by itself. When it opens the time is ripe for the distinct advances of Henry the Second; advances in legal procedure rather than in substantive law, which is the characteristic feature of the period, whether the steps taken were forward or backward. At the other end of the period, the reign of Edward the First is the beginning of modern law, in the sense that modern law can now be recognized. From that time on the question of development, leaving out of sight such tracts of law as bills of exchange, was only a matter of details. The Angevin was, indeed, a period of transition — what period is not? — but it was a period of transition which was to end with a body of law, however roughly formed, for all generations to come down to the present day. We count it one of the merits of this book that that fact is brought out with clearness and followed out with courage and self-restraint.

How has the plan of the work been wrought out? In one word, thoroughly. A running commentary, or gloss, on certain texts of the first volume must serve to indicate more particularly our answer, a gloss here and there somewhat special, in the hope that it may be helpful, in some small way, to teachers and students. We have noted many passages for comment. The following may be selected: —

The first subject for comment is, to our mind, the most important of all, for it concerns the very conception of law. On page 175 — all our references are to the first volume — and on other pages before and after, the authors are speaking of new methods of procedure, the writs by which

cases were, and to this day are, set on foot. They say ". . . it became apparent that to invent new remedies was to make new laws." True enough, as it happened, but why should the inventing of new remedies be the making of new laws? The answer involves, it seems to us, the true conception of law. If law is a mandate given by some external sovereign, then new remedies may well be new laws; the mandate may as well prescribe law indirectly as directly. And with all the simplicity of twelfth and thirteenth century civilization — it really was simple if you only understand it — as compared with nineteenth, with all the iteration and reiteration of the customs of the realm, this was to a greater extent than appears on the surface the working conception of law, unconsciously more than in later times but none the less truly. "The king is the fountain of justice" runs through the whole administration of the law, the king, too, in a very personal sense; "sicut nos et honorem nostrum ac vestrum et," that is, further, "commodum regni nostri diligitis," fail not, was the familiar language of writs. This was but the Roman doctrine, to which it all runs back. Laws and arms are all one to the Roman emperor; he must be decorated with arms, he must have a quiverful of laws. "Imperatoriam maiestatem," runs the preface to the *Institutes*, "non solum armis decoratam, sed etiam legibus oportet esse armatam."

But we are beginning to see the matter in another light. The courts are beginning to act upon the theory that law is only the *nexus* or *lex*, which binds together the members of the state. With that conception remedies take on a new aspect: to adopt new remedies suited to that idea of law is not *per se* to make new laws — it is but an incident of the existence of law. So it would have been in the thirteenth century with a clear regard to what law is: the invention of new writs, to fulfil the needs of the relations, or again the *nexus* or *lex*, between man and man, would not have given cause for the outcry of the Provisions of Oxford (*History of Procedure*, 108, note), an outcry to be followed by the half-abortive statute which gave to the Chancery the right once more to issue new writs, though only "in consimili casu." A right conception of law in the time of Henry the Third, with the courage and independence to act accordingly, would have prevented any "hardening" of writs at that time, and might have saved English jurisprudence centuries of reproach. Far from being the mere handmaiden, procedure has, from the beginning until our day, been tyrant of the law; law has bent before it in fetters, waiting long the day of emancipation. But even with a sound theory of procedure, law would still have been in fetters with the Roman idea prevailing of the external lawgiver. Procedure has only been a mesne tyrant.¹

At the end of a note on page 170 a remark is made to the effect that

¹ We do not object to the notion of an external lawgiver, if that lawgiver will find the law entirely in the relations formed necessary to hold society together on the basis of equal rights. Our criticism is based upon the fact that this lawgiver will not only make law instead of finding its content, but will not allow his servants ample freedom to find it, on the ground that in so doing they may usurp his rights.

the chancellor's authority over the king's wards — in the main, his own tenants in chief, heirs under age — was administrative rather than judicial. Such instances as the following may be noticed in the same connection: Edward the First commands his uncle, William of Valence, one of the foreigners of the troublesome train of Eleanor of Provence, to deliver up to Humphrey de Bohun (heir of the late Earl of Hereford and Essex), who, the king declares, is of full age, his castle and manor of Haverford, of which the said Humphrey's mother, whose heir he is, died seised. (*Plac. Abbrev.* 262, 1 Edw. I.) It is not likely that the king would have given to his chancellor as yet the power to adjudicate away rights of his of such value as wardships, without a particular commission *pro hac vice*.

Pike's *History of the House of Lords* may be read with profit in connection with what the authors say on pages 176, 177 of the king in council. (Pike, pp. 43, 47, 51.) The name of the tribunal, as Mr. Pike finds it, is the Court of the King in his Council in his Parliament, a cumbersome name, but accurately descriptive. In the Rolls of Parliament the judicial business of this court appears to have been largely given to deciding whether petitions brought before it for justice, not otherwise forthcoming, were presumptively well founded, relief to be given, if the answer of the council was favorable, in the tribunal to which the petitioner is now sent. So our authors correctly put it; but Mr. Pike as correctly states that "there," that is, in the council, "doubts respecting judgments were determined, there new remedies were established for new wrongs, and there justice would be awarded to every one according to his deserts"; to all of which Pollock and Maitland would no doubt agree, assuming that the last clause was to be taken with some limitations.

What the authors say on page 221 of English charters, or deeds as we should now call most of them, expressing the good of the donors' souls as the motive of the act, may be seen again abundantly in wills. Scarcely a will of importance can be found that did not make gifts to religion, for the soul of the testator, generally also for the souls of his family, and then "for all Christian souls."

A striking picture of the growth and decay of military service in its old lines will be found on page 231. Decay closely followed growth. Before the system of knights' fees of the twelfth century¹ is fully developed, its insufficiency is apparent, and scutage comes into play, only itself to become antiquated in turn, even in the reign of Edward the First; "when Edward I. is on the throne the military organization which we call feudal has already broken down, and will no longer supply either soldiers or money save in very inadequate amounts."

At the close of an interesting paragraph on the size of the knight's fee (p. 236), the authors say that "It is conceivable that at times a vague theory prevailed according to which twenty librates of land or thereabouts, that is, lands to the annual value of £20, would be the proper provision

¹ It is not to be inferred that the authors intimate that knight-service was not of the time of the Conqueror, as it was.

for a knight; but even this is hardly proved." As this is a subject which Mr. Maitland has made his own, and doubtless Sir Frederick Pollock also, one cannot doubt even a doubt of the kind without hesitation. We shall not then challenge the doubt, but there are documents which on their face lend support to the view that £20 annual value of lands constituted a knight's fee. Cases like the following are not uncommon in the book of Parliamentary Writs, the great storehouse of materials for the history of the reigns of Edward the First and Edward the Second:—

Henry de Bohun, returned by the sheriff of Somerset and Dorset as holding land or rents to the amount of £20 yearly value and upwards, and as such summoned under the general writ to perform military service. (25 Edw. I.) Such records, however, do not prove much, especially when records like the following, of the same time, are to be found: Joan de Bohun, returned for the counties of Sussex and Surrey as holding lands or rents to the amount of £40 and upwards yearly, and as such summoned under the general writ, etc. (25 Edw. I.) So Henry de Bohun (28 Edw. I.), and other cases. But what shall be said of the following? We quote from Parl. Writs, I. 214; Rot. Claus. 6 Edw. I., m. 8, d.:—

The king to the sheriff of Gloucestershire: "*Precipimus tibi firmiter injungentes quod omnes illos de balliva tua qui habent viginti libras terre vel feodum unus militis integrum valens viginti libras per annum, et de nobis tenent in capite et milites esse debent et non sunt, sine dilatione distringas ad arma militaria. . . . Distringas etiam sine dilatione omnes illos de balliva tua qui habent viginti libras terre vel feodum unius militis integrum valens viginti libras per annum de quocumque teneant et milites esse debent et non sunt,*" etc.

Writs of the same tenor were sent to all the sheriffs of England, from which it is apparent that no local custom is referred to. Then, coming down nineteen years later, we find such writs as the following, of May 5, 1207: Parl. Writs, I. 281; Rot. Claus. 25 Edw. I. m. 20, d.:—

The king to the sheriff of Yorkshire: "*. . . tibi precipimus . . . scire facias omnibus illis de balliva tua infra libertates et extra qui habent viginti libras terre et redditus per annum, et illis similiter qui plus habent, viz. tam illis qui tenent de nobis in capite quam illis qui non tenent, ut de equis et armis sibi provideant,*" etc. And writs of like tenor to this also were sent to the sheriffs very generally, and also to the Justiciar of Chester, though it should be added that in the November preceding, a writ to the Justiciar of Chester had made requisition for that county on the basis of *terra militis*. "*Quia volumus*" said the king then, "*quod omnes et singuli de comitatu Chesterie qui habent viginti libras vel annuum redditum . . . et alii de regno nostro et milites esse debent et non sunt armis militibus decorati,*" etc. (proclamation through the county to be made accordingly).

This is not a case of service for any money, but even if all the rest should be equally so, it would not affect the effect of the two writs of the sixth and the twenty-fifth of Edward the First, which are quoted.

For these two years, at least, a "theory prevailed according to which twenty librates of land" constituted a knight's fee.

On the point that military service was due as of the land and not as of personal relation (pp. 239, 240), the two writs just referred to furnish a gloss. Whether the persons in question hold of the king or "*de quocumque teneant*," they are to perform military service for the king. The same writs illustrate the compelling of men to become knights, to which the authors refer on page 395 and elsewhere.

On page 283 we are referred to the great case of the earls of Gloucester and of Hereford, mentioned later in this review, in regard to private warfare; and we are referred to the fact that both parties were punished by imprisonment as showing the seriousness of the offence of disobeying the king, for the king had, by express mandate, commanded the earls to desist from their hostile purposes. But was not the mulct inflicted, rather than the imprisonment, which was of short duration, the more striking evidence of the nature of the offence of contempt? The Earl of Gloucester was mulcted in 10,000 marks; the Earl of Hereford, as being less guilty, in 1000 marks. That is something like saying that the former was required to pay \$750,000, and the latter \$75,000 in money of to-day.

Of the consequences of marrying a ward of the king without the king's consent, spoken of on page 301, a parallel case in regard to "kings' widows" may be found in the king's own household, the household of Edward the First. Joan of Acres, the king's eldest daughter, — now widow of the Earl of Gloucester just named, and so doubly bound to the king, — falls in love with a gallant but untitled courtier of her late husband's train, Ralph Monthermer, not even a knight, and, probably because the king would not consent to such a match, was married to him privately, without the knowledge of her dread father. Monthermer was committed to prison and his lands were seized by the king; and as for the Princess Joan, enough is known of Edward the First to make it probable that her honeymoon was not all that she could have wished.

The Rolls of Parliament afford an excellent gloss to what is said on page 302 in regard to wardship in socage by the mother of an heir. "When the dead tenant in socage," say the authors, "left a son and a widow, the widow would have the wardship of her son and of his land." In the second or third year of Edward the Second, Agnes, widow of Renaud de Frowyk, petitions the council for justice, for that certain persons had carried off and put into the castle of Plessy, Henry, son and heir of the said Renaud, who was tenant in socage of his lands, and had kept him there by force until he was married against his will and the peace of the king, and to the great damage of the said Agnes. The answer of the council was, "*habeat [Agnes] breve in suo casu ordinatum*," referring to the famous statute of 13 Edw. I. in relief of actions; and the meaning was, that she was to have the right to try the case in the King's Bench or the Common Pleas, and if she proved her allegations there she would be entitled to judgment.

"Let him bear the wolf's head" is a phrase, we are told on page 459, "in use even in the thirteenth century." It is certainly older than the thirteenth century. In the so-called Laws of Edward the Confessor it is declared of one who has broken the peace of the church, that if he cannot be found within thirty days plus one, the king shall outlaw him; and then "lupinum caput geret . . . quod ab Anglis *uuluesheved* nominatur." See *History of Procedure*, 349, note; and see the page preceding for some remarks on outlawry on all fours with the text, page 459, of the work under notice.

A great deal is suggested by a paragraph of but four lines on page 527, especially in the remark in regard to the "liberty that men enjoyed of regulating, by private bargains, what we might deem matters of public law." The idea of the state is far from developed even at the end of the thirteenth century. Private jurisdiction of life and property is rooted in a past in which it was unquestioned; the state has been able to make its way but slowly from the first, and still it halts half-way; crimes are but gradually disengaging themselves from torts—the individual is but gradually losing the right to inflict punishment as well as to require compensation for offences; private warfare breaks out almost in the family of so great and enlightened a king as Edward the First—between the husband of his eldest and the father of one who, not many years after, is to become husband of his youngest daughter; jurisdiction over property and life is still an appurtenance to lands and tenements—men buy and sell it and give it away.

How far the times in question are from modern methods may be seen in the striking picture concerning courts, on page 535. "The suitors were the doomsmen"; and "when there is a trial in the king's court, the king demands a judgment from the assembled prelates and barons." See, also, pages 87, 577. It would be easy to gloss such passages from records of litigation of the time. We hope it will not be thought irrelevant to adduce an illustration from the poetry of the twelfth century. The noble epic called the *Song of Roland* was written about the beginning of the reign of Henry the Second, by a Norman who lived, or had lived, it seems, in England. Who he was is not known, but he was well informed in the law. The trial of Ganelon for the betrayal at Roncesvalles, which the poet sets forth in minute detail, shows the fact. The men of Charlemagne's court

Assemblet sunt ad Ais a la capele,
where
cumencet li plaiz e les nuveles
De Guenelun, ki traïson ad faite.

The emperor orders the prisoner brought before him, and

"Seignurs baruns," lur dist Carles li reis,
"De Guenelun kar me jugiez le dreit."

And the reason now appears, we may safely infer, why the emperor

does not act as judge; he himself makes the accusation — in technical language the emperor himself appeals Ganelon, and he must not act as judge in his own cause, a reason applicable to every case in which a court is held by a lord interested in its proceedings, whether directly or indirectly. The cause of the emperor proceeds; Ganelon pleads, as we should say, in mitigation; then, not Charlemagne, nor Charlemagne and his barons, but

Respudent Franc: "A cunseill en irum."

They now retire accordingly to consider of their judgment, as is shown by what follows. But Charlemagne will have no half-way measures if he can help it; there is to be no dropping of the case by judgment of court; and when certain of the barons, a majority, perhaps, return to give answer and "pray"

Que clamez quite le cunte Guenelun,
the king cries out,

"vus estes felun."

Still, far from taking the case into his own hands even when his barons are "felun," he is only depressed in spirits; he calls himself miserable;

A l'doel qu'il ad si se cleimet caitifs.

The upshot of it all is, that on the demand of Thierry, who now stands forth from among the barons and, in vigorous language, demands judgment, as champion of the emperor,

Respudent Franc: "Or avez vus bien dit,"

and the duel is awarded and waged between him and Pinabel, champion of Ganelon. Thierry wins the fight.

"A detached portion of a parish lying ten miles away from the main body is by no means an unknown phenomenon" (p. 549) will give the student of New England history the right to say that history will repeat itself, that such things were of the commonest in this part of the world during the entire period of our church establishment. An instance in the last century may be noted, "of which," to appropriate the language of a note to the foregoing passage, "the present writer has some knowledge." By an order in council in 1773, Gershom Bigelow and others of the town of Sutton, Worcester County, Massachusetts, with their families were, without change of residence, for ecclesiastical purposes "erected into a separate precinct" called the South Worcester parish; while the bounds of Sutton remained unchanged (for some five years). Gershom Bigelow was geographically and politically of Sutton, but he was also ecclesiastically, that is, by law, with all that the term ecclesiastically then meant, of another place; an island of "homestalls" in Sutton paid tribute to South Worcester.

Speaking of what in the margin of our history (p. 570) is well called "high justice," the authors remind us of the "gradually ascending scale"

of jurisdictional rights in the baronage; there are Chester and Durham, and there are "lordships which are almost palatinate," among which "the marcherships of the Welch border are . . . splendid instances." Brecknock and the parts near by afford an instance which found its way into the Rolls of Parliament. Humphrey de Bohun, Earl of Hereford and Lord of Brecknock, a marquis in fact before the title had come to be conferred in England, and others interested with him as lords marchers of Wales, bring their complaint before the council that the king's officers are infringing their franchise. "No writ of the king runs there," they could proudly say, and craved judgment of the council accordingly. The council considered that there was ground for the petition, and gave the usual direction. Rot. Parl., II. 90 (1335).

An interesting fact, which the authors do not explain, is mentioned on page 574. Speaking of manorial jurisdiction over personal actions, it is stated that this probably arose out of the feudal relationship between man and lord; but replevin (the process by which a tenant brought in question the validity of a distress levied upon his goods by his landlord) is an exception. That remedy "is regarded as royal and few lords claim to entertain it." The statute of Malicious Distresses in Courts Baron, which may have some connection with the modern action for malicious prosecution of civil demands, may be noticed here. It is of the year 1284, and quite supports our authors. At the same time it tells us how it came to pass that replevin was of royal, whereas trespass, for instance, was of manorial jurisdiction. "If any be attached," runs the statute, upon groundless and malicious complaints, "he shall replevy his distress so taken, and shall cause the matter to be brought afore the justices" — that is, the king's justices in eyre — "before whom, if the sheriff or other bailiff, or lord, do avow the distress lawful, the cause shall now proceed in the royal court. The statute was, apparently, part of the general scheme for bringing property within the king's jurisdiction.

A little further on we come to a long discussion of the nature of the feudal tie. The township is a community or common law. There, with Man's Law, the authors take the standard view. The number got compared on it is 1000. We get our source up to regard to New England comes by the way of it. The king so treats it as marchland for law and justice. The question of the nature of the tie is of double importance, but as we are in the domain of law we are not more or less "legal and not" but we are not economists here as said by Thomas Rogers — but he is dead.

WILLIAM M. BUCKLEY.

The Social System of Man, from the First to the Present Time, and the Structure and Function of Human Society. By FREDERICK SARGENT, M.S.S. London and New York: Longmans, Green and Co., 1882. Pp. x, 238. 10s. 6d. (hard) and 6s. 6d. (net).

IN *The English Village Community* Mr. Seebohm declared his belief that the English village community and manor were made up of tribal (Celtic and Teutonic) and Roman elements, thus advocating a complex origin. The chapters of the work in which he endeavored to expound this view were, it will be remembered, the least satisfactory portions, and now, in order to make a more thorough study of the question, he returns to the tribal aspect of the subject, beginning with the tribal system of Wales. His reason for beginning with the Welsh evidence is that the Welsh system held its own until the time of codes and surveys, and can, therefore, be examined as no other tribal system of Europe can be, excepting perhaps that of Ireland (p. 52.) Probably he is planning to pass from the known to the unknown on a large scale, and to explain the more obscure systems of Gaul, Rome, and Greece by means of the knowledge gained from the systems of Wales and Ireland. Inasmuch as the key to the problem of the English manor is to be found in the structure of tribal and not of Roman society, the data here given, although in a sense inconclusive, will go a long way toward answering the question of manorial serfdom and manorial lordship.

In March, 1893, Mr. Seebohm was put upon a Royal Commission to investigate the land system of Wales, and was thus enabled to start with a first-hand inquiry into the Welsh conditions. Although the latest documents used and quoted are those of the fourteenth century, nevertheless it is evident that he has familiarized himself with the land arrangements of the present time, before passing back to those of the earlier period. The earlier documents begin with Extents, Court Rolls and Assessments of the Isle of Anglesey, dating from 1294 to 1352, and are here printed for the first time. (See Appendix A.) They disclose the land system as seen by Norman lawyers soon after the conquest and annexation of Wales, in 1282, and from these Mr. Seebohm works back to the "Ancient Laws of Wales," of uncertain date, and from these to ecclesiastical donations and grants of the ninth and sixth centuries, each class of materials either enlarging upon or corroborating the others.

The "manor" of Aberffraw is described as composed of demesne land, the holdings of free tenants, who occupied *weles* and *gwelys* and paid in money and work to the prince of Aberffraw, and the lands of so-called *villani*. The *villani* occupied portions of the demesne and outlying lands, and were arranged in groups (non-kindred), the members of each of which were jointly liable for the dues, a tenure known as *treſgevery*. These payments were territorial, not personal. At once the questions arise, What was a *wel*? what a *gwely*? who were the *villani*? in what relation did each stand to the tribe and the land? For answers Mr. Seebohm turns to the Extents of the Castle and Honor of Denbigh, made in 1335, before the Black Death, and he is exceedingly dexterous in his use of these documents. As in the case of the Anglesey Extents, the free tenants are found holding in *weles* and *gavells*, but a careful examination discloses the fact that the *wel* is not a territory or a district, but a kindred, a family group

Its relation to the land appears from the Extent to be as follows. The common ancestor of the members of the *wel* seems to have held one undivided share in the district or *villata*. As time went on this share got subdivided (*per stirpes* not *per capita*) into the *wel*s of the sons and the *gavells* of the grandsons, until eventually a score or two of kinsmen held the original *wel* together as one family group. Other shares were held by other similar groups in a similar manner. So that the lands of the *wel* remained from original owner to great-grandson composed of bundles of undivided shares located in several *villata*, which were districts used as units of husbandry, and not "village communities." The *wel* itself was not compact, but could be located in one *villata* or could hold fractional rights in several *villata*.

Having thus discovered from unimpeachable evidence some of the characteristic features of tribal society, Mr. Seebohm passes to the "Ancient Laws of Wales." The reliability of this material has been in some quarters called in question, but Mr. Seebohm rightly argues that if it contains a body of customary law, which in natural course would produce the condition of things described in the Extents, its authenticity will be substantially confirmed. That this is the case, Mr. Seebohm proves conclusively. The Laws confirm the general structure of the tribe as given in the Extents and add large amounts of detail regarding the internal tribal organism. The *liberi* and *villani* of the Extents were the tribesmen and non-tribesmen of the Laws. The former were organized in kindred-groups, to the ninth, seventh, and fourth degree, the last-named forming the *wel* proper. Each of these groups was under a chief, and between the chief and the men of the kindred there existed a semi-feudal relation, originating in the formal reception of the legitimate child into the kindred. Upon the child, thus become a free tribesman, were conferred cattle and land, and the custom took the form of tribal investiture. From the kin system Mr. Seebohm passes to a closer examination of the relation of the tribe to the land. The *wel* is here found, as in the Extents, to be the tribal unit of land occupation. In the chief was vested the tribal rights in land of his *wel*, but his proprietorship was not absolute. The tribesmen were subordinate but had rights of maintenance, grazing, and co-aration and probably a *peculium* in cattle. The status of the stranger in blood was not serfdom, but might easily become so, since by constant residence the stranger could become the property of the *uchelwr*. Mr. Seebohm's evidence regarding tribal chieftainship is particularly welcome, as he shows that in the tribal system there existed the beginnings of a seigneurial power. Side by side with tribal grades of chieftainship seem to have grown up corresponding grades of territorial chieftainship, but on this point Mr. Seebohm does not appear to be quite clear. Chieftainship was of the family, not of the person. Regarding the rights and limitations of the chief, the evidence is as yet incomplete. The elaborate examination of the *gwesta* and *dawnbwyd* (tribute from tribesmen and non-tribesmen respectively) rather confirms previous knowledge than adds anything to

it. These were paid from a definite geographical area and this fact corroborates the evidence of the Extents that the tribute paid to the lord was territorial, not personal.

Having thus shown that the Extents prove the reliability of the Codes and that the Codes amplify and elucidate the evidence of the Extents, Mr. Seebohm turns to a corroboration of both by still earlier evidence, which involves a study of the tribal system in its relation to the church. This evidence is in the form of grants and donations contained in the "Book of St. Chad," the "Book of Llan Dav," and the Records of Cadoc. Into the long discussion of this evidence it is not necessary to go. Nothing is added regarding the structure of the tribe or its relation to the land. The records simply testify to the habits of tribal chieftains, the family character of tribal donations of land, and the prevalence of food-rents in the sixth as in the thirteenth century.

As this is but the beginning of an extended investigation into the tribal system generally, it would be unjust to Mr. Seebohm to draw hasty conclusions as to the bearing of his evidence upon the question of manorial and feudal development. As a work of research, this essay is wholly admirable, certainly the fullest and most thorough study of the Welsh tribal system extant. It has all the characteristics which made the first 150 pages of *The English Village Community* so valuable to students of economic history, — clearness, originality, and wealth of detail. It also enables us to draw some inferences as to what Mr. Seebohm considers to have been the tribal contributions to the manor and the feudal system. Let us note what these are.

Mr. Seebohm recognizes the importance of the introduction of land as a new economic factor in tribal life (pp. 60, 87). He shows that there was growing up as part of the tribal organism a semi-feudal relation between chief and lord on the one side, and chief and members of the kindred on the other. The chief "invested" his "man," that is, supplied him with cattle and land, less in his personal character than as the representative of the tribe (pp. 63, 72). He shows that the idea of private property did not belong to the tribe (p. 95), that ideas of transfer of the land of a tribesman's freehold were "as foreign to the tribal system in its earlier stages as individuality contrasted with family ownership" (p. 150). He believes that modern forms of conveyance crept in later mainly through contact with a Romanized church (pp. 150, 193, 197, 226, 227). Most important of all, he recognizes in the chieftain of the tribe, of the kindred, or of the household an embryonic manorial lord. For instance, he says that free tribesmen, "under pressure of want or the unscrupulous use of power on the part of *uchelwrs*, or higher chieftains . . . might become almost the serfs of the *uchelwrs*" (p. 109). Non-tribesmen (*alltuds, aillts*) did actually become *adscripti glebæ*, subject to the proprietorship of the *uchelwr*, each with a separate *tyddyn*, and a few *erws* in croft around it, with other lands held in common by the group, and cultivated by co-aration of their common plough team (pp. 116, 122). Such groups could be manumitted

(p. 184) and transferred. The customary food-rent or tribute might easily become *feorm*, the *dawnbwyd* might become *gafol*; each was a territorial, not a personal payment. Add to these conclusions others taken from *The English Village Community*, and the list becomes more complete. Coaration with eight oxen was tribal (*V. C.*, pp. 279 n., 388); a day's work with a pair of oxen was a tribal unit of land measurement (p. 315); the division of the furlong into as many strips as there were sharers was a widespread tribal custom (p. 383); the allotment of thirty acres to a pair of oxen, and the scattering of the acre strips, as in the Saxon "yardland," was known from India to Ireland (pp. 392, 393).

When we put together these various tribal elements and practices, we begin to see—as yet vaguely, it is true—some of the conditions out of which the English manor grew. Further investigation will bring new data and new interpretations, until, by a process of elimination, the measure of the Roman influence may be determined. But the point to be insisted upon is, that the manorial organization in England derived its essential elements from the tribal, and not from the Roman, system. This I have always maintained. On this matter Mr. Seebohm has one or two important remarks. "The real question," he says, "is whether these so-called feudal tendencies were the result of outside feudal influence upon the tribal system, or whether what we call the feudal system in Western Europe may not itself turn out to have been, in part, the result of tendencies ingrained in the very nature of tribal society, and thus underly the conditions out of which feudalism grew" (p. 135); and again: "These Celtic and tribal touches in what otherwise might be regarded as feudal definitions of serfdom seem to suggest connecting links between tribal and feudal custom" (p. 130). This hits two ways. It calls in question Professor Vinogradoff's objection to "any theory attempting to trace a direct course from the tribe to the manor," and weakens the force of his denial that "pre-eminence of chieftainship implies any growth of manorial power" (*English Historical Review*, July, 1893, pp. 541, 542). It also renders useless the attempt to make the manorial seigneur a gift from the Roman Empire, or to prove that the English manorial system was borrowed from the continent. The free village community is not at present a very substantial entity; neither is there much force in any argument that would give to Roman ideas and methods a greater importance than that of hardening and quickening already existing manorial tendencies.

CHARLES M. ANDREWS.

Social England: A Record of the Progress of the People. By various writers. Edited by H. D. TRAILL, sometime Fellow of St. John's College, Oxford. Vols. I.-III. (London: Cassell and Co. 1893-1895. Pp. lvi, 504, 587, 550.)

THIS important book has been sufficiently criticised in its defects else-

where.¹ It is well to bring out the seamy parts of any performance, and to warn both readers and scholars against the deficiencies of any historical work, even of that which is good. Yet that criticism is most wholesome, which best brings out the larger features of any constructive work.

Three large octavo volumes have appeared; the fourth, as projected, carries the history only to the beginning of the eighteenth century. In extent and bulk, it is massive; in its positive demands for investigation, deeply varied, and for thorough special knowledge, it is a tremendous work. Many minds and numerous hands must be involved. Several thousand pages of solid and diversified information must inevitably be unequal in parts, and not altogether satisfactory in the completed whole. The co-operative method must always include grave defects; these will be relatively greater now, while it is comparatively new and only half developed. Such as it is, the progress of history has made it imperative. Mountains of facts accumulate on every side; and, worse, the revelations of science throw new light into the perspective of every period. The old picturesque story must be renovated — even if it be half ruined; it must be enlightened in every detail, before our restless, modern intelligence will rest content in its historical possessions. The limitations of commercial publication, the defects of specialists, the hampering conditions of editorial function, — all this environment must affect any great work of detailed knowledge, out of which the future Ranke or Thucydides will forge and anneal the greater history. It is said that a householder must build himself three houses before he can get a comfortable dwelling. Editors have not that comfortable privilege. We apprehend that Mr. Traill, and his readers as well, will be content with one trial.

Let the editor speak for himself, in his own introduction.² Mr. Traill proposes certain divisions of his subject, run out in rather broad lines. While this method distributes and districts the matter as mere territory, it cannot avoid much repetition and inevitable digression, both in statement of facts, and in the deductive essays into which the writers are often betrayed. The teams do not always respond to their charioteers, nor follow implicitly the lines of travel laid out by the projector.

First, of civil organization, which the writers base on the villages settled by the Iberians, and on the rude polity of the tribesmen brought in by the Celts. This structure was overlaid by the Roman power and the civilizing, imperial influence, but was not essentially changed. In this position, the editor and his writers are violently disputed by the critics of the *English Historical Review*. Concerning this detail we shall speak further on.

Next, of religion, planted in the form of Christianity in Great Britain by the Celtic church. On this foundation, the Greek monk, Theodore of Tarsus, built up the see of Canterbury. Catholic England is held to have been not distinctive in character. After the great schism occurred, the

¹ *English Historical Review*, IX. 721; X. 359.

² *Social England*, I. xii-liii.

Puritan influence—as well *inside as outside* the Anglican church—moulded modern England. There is too much heat in this treatment of the relations of the Church and the non-conforming elements, whose parts dispute the ascendancy of the whole. While no historical insight can underrate the great Puritan ground-swell that sways the British nation in a marvellous way, yet we must remember that the major power—the greater mass swaying hither and thither—is not Puritan nor essentially ritualistic, it is English.

Learning and Science must be confounded with the Church, more or less, in the early times, though the universities struck off from the Church proper. Literature is more easily mapped and defined than any other portion of the history. This ground has been more thoroughly explored than any other topic involved.

Art is naturally the leanest topic in this story of the greatest of the northern races. In all the old centuries, architecture is the whole matter. In this magnificent development, it was the ecclesiastical impulse, rather than a sense of beauty, which reared the cathedral structures. The islanders took over the Continental movement, and gave it noble expression, on their own soil. Later on, the manor house and cottage made homes worthy of the genius of the people. Not until Hogarth was there a native artist.

The chapters on trade and industry bring us to the heart of the book. Here there is no conventional division, and no artificial treatment. Commerce, which the Phoenicians began in historic time, the narrow islanders took up and carried forward to the dominion of the seas, to a commercial dominion, greater than the political empire of Britain, greater than the peace of the Romans. It is not trading merely, not breasting the seas merely, not fighting merely, that has built up British ascendancy. It is the interchange, the facility born of struggle with Nature and Man combined, which has brought Britain out of obscurity, and has given her children, all together, the choice positions of the world. In this respect, the career of one offshooting branch of the English stock is even more remarkable than the work of the mother land. The Americans of the United States won the privilege of a continent from Britain, from France and Spain. Then they won the development and enjoyment of that favored land from Nature herself.

To comprehend history, this dominating characteristic of the English races must be traced far back in the making of England. This controlling feature of race-evolution is strongly marked on its home-loving, peace-regarding side, as it is remarkable on the aggressive conquering side, which has attracted most attention. The Saxon sea-rovers, who settled on the eastern shores in the fifth century, had all the fierce strength of the Scandinavian pirates. Yet soon—as history marks time—they became quiet colonists, and created true commerce in the ports which they built up. They traded far and wide, not only in brass, copper, tin, and gold, but in silks and gems. These mercers fell an easy prey to their

cousins, the Danish rovers, who came in later. Together the Saxons and Danes absorbed such Celtic elements as were capable of assimilation. This England was inoculated again with Scandinavian blood when William brought in the greater Northmen and settled them after the Conquest. In all these migrations and transmigrations, there is a profound current of civilization, stronger than the eddies of war or peace floating through it, that bore these varying races forward, and combined them in one stream of national life. This people, after tremendous internecine struggles, was prepared to fight abroad or to work at home.

Manners is an editorial topic which must be formal rather than substantial in its outlines and treatment. The personal vanity, expressing itself in the splendid dress of a feudal lord; the swarm of attendants around him, while his feet rested in rushes, where dogs crunched the remaining bones of the mediæval repast; these details of the uncomfortable living of peer, peasant, or artisan are rather parts of the whole life of the time, than an essential topic in itself.

Mr. Traill's introduction is an interesting essay, broad-minded and not necessarily historical. It is a manifestation of the purposes of the work, rather than a technical prospectus and arrangement of the matter in these immense volumes.

What is social England? What is the life of peoples, that history tries to set forth, to render out of the crystalized Past into the living features and glowing colors of the Present? If we would classify the records; the unceasing conflicts of war, the growing organic system of the State, fall into the political division; the development of faith, the outward forms of creed and worship are readily recognized as religious; the productive work of mankind, the tillage of the earth, and the exchange of products have created the category of economics. There is a sum of all this living, and it is coming to be called social. There is a contact and fruition of life, which is the result and expression of all these divisions and classifications. One's own life — whether of soldier or statesman, of priest or worshipper, of producer or exchanger — engraves itself on the life of one's fellows, and the resulting consequence is history, in the largest sense. Keeping this principle in mind we may, perhaps, contemplate some of the great epochs of the past in a new light of appreciation.

If we can separate the glamor of great personalities, the confusion of war and battle, the immediate effect of important institutions, from this greater stream of tendency, this development of social life, we may distinguish and define several great epochs in English history. We would not, and we could not, diminish the weight of great men, nor ignore the significance of a campaign; we would only readjust the perspective, that the development of man may stand out and appear to be of more relative importance than the doings of any men or the outgrowth of many things. In these great periods, the social life of the kingdom worked itself forward and developed according to, or in defiance of, the growth of

institutions, the shock of battle, the murder of kings. Under Henry III. there were certain great social changes, which manifest themselves clearly. The spirit of the Middle Ages is best conveyed in the one word, "feudalism." Church and State combined or moved in accord to carry the smaller landholder into that dependence upon the landlord or overlord, which we call feudalism.¹ This was a system of minute obligations, which ramified from the top to the bottom of society. In the time of the third Henry, the smaller barons left their castles and fortalices, and built manor houses for comfortable occupation. These latter were fortified, but they were homes for defence, instead of citadels for rapacious war. There was not much improvement in actual agriculture until two centuries later; when better rotation of crops, more liberal application of manures, and the freer use of horses gave larger returns from the land. But the basis for an organic system of farming was laid, when the armored knight became a country gentleman.

Politically, Simon of Montfort's Parliament makes its own era. Moreover, this period has been termed the era of municipalities. There were town charters, city leagues, and systematic commerce. Out of these conditions came new social power, that was concentrated in the hands of a middle class. Out of the middle class came representation, election by communes or commons; in short, the rise of a third estate.

We could not have a better illustration of the positive force of that social current that compels peoples and states in a stream of historic tendency, than we find in the career of Edward I. Why did the system of laws set forth by the great Longshanks become the solid basis of English common law for all the centuries since? We have great structures of constitutional and corporation law extending into all the complicated issues of modern civilization. But in criminal and private law, good authorities say, we date back to the fruitful thirteenth century, and to the statutes of the great Edward, having made little substantial change in the solid principles there laid down.

Something more than the prescience of genius must be discovered to account for this marvellous foresight of the true issues of civilization. Truly it was a period of great kings and statesmen in all countries. In France, Philip Augustus and St. Louis, in Spain, Alfonso the Wise, in Germany, Frederic II., in Austria, Rudolph of Hapsburgh; in all these states these great rulers lifted high the torch of light and civilization. And mark the concurrence of the factors of progress. About the time the "Dominion of the Seas" was made manifest, Edward I. established the long bow as the national weapon;² the weapon which almost changed the national arrangement of modern Europe. Weapons are destructive, but they sometimes accelerate progress, as the settler's axe destroys the forest in creating the peace and plenty of the meadow.

We pass to the time of the seventh and eighth Henrys, grouped together

¹ *Social England*, I. 209. A. L. Smith.

² *Social England*, I. 411, II. 45.

for necessary reasons. A brilliant king had generally a silent partner in the previous generation. As the great Frederic had a father in Frederic William — disagreeable enough, paternally, but a prodigious husband of military chests and builder of armies, — so the splendid, powerful Harry was fathered by the patient, sober, and discreet Henry VII., who loved peace better than war, lifted the system of finance, enlarged diplomacy, and forged out a practical method of absolutism. Moreover, he perceived social issues, and devised social legislation between the classes, which gives him the rank of a "just and able sovereign."

As the fifteenth century turned into the sixteenth, a great change was impending in agriculture. The treatment of agriculture alone would be worth the publication of these volumes, if the development of law were not worth more still. Agriculture had come to a pause, waiting for transition into a different system. For some three centuries, rude tillage had been giving place to a semi-pastoral production of wool for export; sheep pasturage drove the villeins into towns and villages, or into dependence on the monasteries; sometimes into "sturdy begging" on the high-ways. Meanwhile the modern system of cutting up land into "several classes" was going on, and this virtually established competition with the monasteries. The process increased values of land nearly twenty-fold. The monastic system abhorred competition. The abbots were usually of noble family, living like country gentlemen, and so liberally that they were approaching bankruptcy, before bluff Harry forced them into involuntary assignment, without process of law. True, the necessary moral decadence of the monastic system made the spoiler's task easy. But such a sweeping change in the tenure of property as was made by Henry VIII. was based on an inevitable change in economic management, or it would not have succeeded without revolution. Something more than Catholic elevation of the Host or Protestant reverence of the Book was involved here. At the same time the social development in municipal life had established great changes, according to Mrs. Green.¹ The social framework of England was being ossified into classes.

We have dwelt on these manifold changes, for they mark the significant periods of England. The great Elizabethan age began with Henry VII., a half century before the maiden queen was born. The powerful absolutism of the Tudors, barely tempered by parliaments, became the feeble absolutism of the Stuarts, defying parliaments and ending on the headsman's block. But social development in England went on with hardly a pause. The pure domestic quality of Little England was developed from the reign of Edward I. to that of Henry VII. The work of the kingdom was little more than domestic; for the campaigns with the long bow ended in sorry failure, leaving hardly a ripple in the flow of Continental development. Greater England began with the Elizabethan

¹ "So far as evidence yet goes, the development of municipal government involved everywhere a struggle between the classes triumphant and the classes put under subjection." — *Town Life in the Fifteenth Century*, II. 187.

age, or with the germs of the sixteenth century. Previous commerce had been thalassic, according to Professor Seeley's excellent definition. Edward I. established the staple, and Edward III. regulated the export of wool. He founded the security of commerce; "better than freedom," for it was the mother of freedom. The heroes of the Elizabethan age extended this petty trade, elevated its issues, and, through ocean commerce, sought the springs of prosperity throughout the world. They explored and traded; they fought, settled, and governed.

There are minor topics in this main theme which might well interest us. Mr. Traill could have made a special division embodying the treatment of the public health and the course of disease, which would have been important in itself. The modern application of science to this great social province has changed the course of history and altered the career of nations. Mr. Creighton shows, in this respect, how much better the conditions of the poor are now than the rich could command in mediæval times. These changed conditions dominate us so completely that we do not perceive the change as it appears on the surface. For example, the East Saxons were driven back from Christianity into heathenism by an overwhelming pestilence. Advancing civilization was swamped out. Or, if we would prefer the economic expression of civilizing force—a mode of reckoning better understood now—the experience of the fourteenth century is something startling. The Black Death killed off one half the laborers, and thus raised the wages and improved the condition of the other half. Nature works thoroughly; but she is an inconsiderate mother, who knows no remorse.

Economic terms and the consequences of economic valuation have deeply impressed themselves on the life of our time. They are significant in marking the change and the social development of the individual man and woman through the wage and the easy transfer of property and wealth; a change wrought out by some six centuries of individual evolution. For example, the great mass of the agricultural population are now landless, and have been since the seventeenth or eighteenth century. The relation between peasant and landlord is now economic,¹ and the peasant holds his social and political relations in his own hand. In the olden time, the peasant was a small landholder, while his social and political privilege—so far as he had any—was included in the rights and opportunities of the gentry. It is not the purpose here to argue concerning this change, but to note the significance of the fact. However, the main interest is in the main theme. The history of a complex nation like the British, of a manifold country like Great Britain,—with its connections, racial and political,—is a history of social development. War and peace, discovery and conquest, revolution and constitutional expression, diplomacy and finance,—all promote the larger life of the people, and enlarge the relation of fellow to fellow.

In this spirit we welcome this book, in spite of blemish and imperfec-

¹ *Social England*, I. 357. A. L. Smith.

tion, of occasional conflict or contradiction among the writers. As above mentioned, the critics have seemed ungenial in their judgments. It is not of so much consequence that the style of Dr. Heath is somewhat exuberant. His good matter adds to our knowledge. All the writers are not equal to Mr. Maitland in his excellent exposition of law, but all contribute something. Likewise, we may never prove exactly whether Celt or Roman chiefly made the England of the fifth century; or just how far Celt and Teuton mingled in the life that followed. It is of greater import to discern and comprehend that larger English life-spirit — greater than race and issuing in new functions of government — that has made Great Britain what it is.

WILLIAM B. WEEDEN.

Ein Ministerium unter Philipp II.; Kardinal Granvella am spanischen Hofe (1579-1586). Von MARTIN PHILIPPSON. (Berlin: Verlag Siegfried Cronbach. 1895. Pp. vii, 642.)

THE story of the sixteenth century will remain incomplete until we possess a history of Philip the Second which shall show him as the central figure in the great political and religious movement of his time. Martin Philippson gives us, in his admirable *Westeuropa im Zeitalter von Philipp II., Elisabeth und Heinrich IV.*, the nearest approach to such a picture. The same author's new book, on *Granvella at the Court of Spain*, forms a most valuable supplement to his previous researches. In preparing this work, Herr Philippson, not content with using the mass of original documents bearing upon his subject which have already been printed, has consulted manuscript sources in Rome, Naples, Simancas, London, Paris, and Brussels. This in itself indicates the universal nature of his theme. He deals with great questions and has thrown a flood of light upon one of the most momentous crises in the history of the world.

The author undertakes to write the history of Philip the Second during Granvella's ministry. In describing the conquest of Portugal, the alliance between Philip and the Guises, the victory of the Counter-reformation in northwestern Germany, and the conspiracy of Mary Stuart and Catholic Europe against England, the book, though covering so short a period, illustrates admirably the great meaning of the whole reign in history.

The purely biographical element is reduced to the lowest possible limit. After a few pages devoted to the career of Granvella before he was called to the head of affairs comes a capital description of the Spain of Philip the Second. Here, and scattered through the whole book, the author gives a great deal of information regarding the wretched state of the economic administration, one of the most potent factors in the sudden, and at first sight inexplicable, decadence of Spain. The description of the king's personality and methods of government is careful and instructive, but fails sufficiently to impress upon the reader

the real greatness of the part that Philip the Second, in spite of foibles and eccentricities, played in the history of the world. It is true that he was struggling against the progress of mankind. He was the mighty champion of a doomed cause. Though the superior forces of a new era frustrated his design, and brought Spain to the verge of ruin, we must not forget that he convulsed Europe in his gigantic efforts to set up a universal monarchy, and that he rescued the Church from the tide of heresy which seemed about to overwhelm it. He must ever stand conspicuous in history as the sombre and awe-inspiring representative of an order of things that was passing away. The result of his reign was to keep the Middle Ages from merging too suddenly into the thought and life of a modern world.

In his new book Philippson emphasizes still more strongly than in his *Westeuropa* the questionable statement that the advent of Granvella marks a complete change in Philip's policy. According to Philippson the king suddenly gives up his policy of peace and reconciliation for one of decided aggression. This change, however, was only external, and was due to a change of circumstances. Philip's designs of Catholic and Spanish supremacy had in reality always been the same.

When he summoned Granvella from Rome to Madrid, Philip was deep in plans for the acquisition of Portugal. He thought Granvella the most suitable adviser in this great enterprise. The king gave him a flattering welcome, and overwhelmed him with marks of his esteem, to the indignation of the jealous Castilians, who hated the mighty cardinal as a foreigner, and finally succeeded in depriving him of his power. Granvella's energetic advice in the Portugal affair met with the king's full approval. He told Philip first to get possession of the country, and then prove to the world the justice of his claims.

The conquest of Portugal involved Spain in most complicated diplomatic relations with Rome, France, and England. All these powers had naturally dreaded this increase of Philip's already enormous empire. France and England aided the Portuguese pretender and the rebellious Low Countries. It was the beginning of the great European struggle which was to end in the defeat of the Armada, the accession of Henry of Navarre to the throne of France, and the independence of Holland. Of all his schemes of universal monarchy the conquest of Portugal was alone successful.

The author follows with great care the long diplomatic quarrel, constantly verging upon open war, between Spain and France, a quarrel which shows Philip the Second to have been not so much a reactionary bigot as an ambitious prince, seeking, above all, the interests of his country. He even carried on negotiations with Henry of Navarre and his ally Montmorency, abandoning them only because the Guises seemed better able to serve his purpose of fomenting civil war in France. The worldly, interested nature of his policy is also revealed in his relations with England and Mary Stuart, which Philippson also describes in great detail. The

Catholic king plays with the unfortunate Queen of Scots, regarding her and the English Catholics not as martyrs to be rescued, but as tools to be kept ready for future use. His vague promises of help served to inspire her with hopes which Philip never meant to fulfil. He was at heart utterly opposed to a European coalition for her rescue. He feared Guise as an ally in such an undertaking because he was a Frenchman. Mary Stuart, too, was half French and Philip was unwilling to waste Spanish gold and Spanish blood at the risk of making England a tributary to France. Not till Mary Stuart bequeathed him her rights to the crown of Great Britain, and the civil war in France made interference from Guise impossible, did Philip decide upon the invasion of England; for not till then was it possible to undertake the conquest for the aggrandizement of Spain alone. As for Mary Stuart, Philippson thinks he has proved beyond reasonable doubt her complicity in Babington's plot to murder Elizabeth.

Even in his policy towards the Pope and the Church, Philip, like his minister, Granvella, was first Spanish, then Catholic. With the aid of his new manuscript material, Philippson describes, with great spirit, several sharp passages of arms between Rome and Madrid illustrative of the king's constant and successful struggle to keep the Church subservient to the State. Philip regarded himself as the secular head of the Catholic world. To him and not to the Pope the Spanish clergy were to look in all but matters of mere belief.

The threads of that reactionary diplomacy by which Philip the Second hoped to bring Europe to his feet extended to Germany, and even to Poland and Scandinavia. The important struggle for the archbishopric of Cologne falls within the period covered by Philippson. The struggle was decided not by the representatives of Protestant and Catholic Germany, whom it most nearly concerned, but by Dutchmen and Spaniards. Philip the Second, and not the emperor, won the victory which restored northwestern Germany to the Holy See.

The great statesman to whose energetic policy Philip's success in Portugal and the Walloon provinces was largely due endeavored, also, to persuade the king to plunge into open war with France and England. Philip, however, was not ready to follow his fiery old counsellor here. After a year or two of office, Granvella's influence suffered a marked decrease. At the time of his death he was prime minister only in name. When the king eventually attempted to carry out Granvella's advice in regard to France and England, he did so with a hesitancy and lack of vigor utterly unlike the aggressive energy of the stout-hearted cardinal, who, if he had gained complete control of affairs, would have greatly postponed the fall of Spain, and might have realized, for a moment, his ideal and that of his old master, Charles the Fifth, — a world empire under the house of Habsburg.

W. F. TILTON.

The Life of Sir William Petty (1623-1687), one of the first Fellows of the Royal Society, sometime Secretary to Henry Cromwell, maker of the "Down Survey" of Ireland, author of "Political Arithmetic," etc. Chiefly derived from private documents hitherto unpublished. By Lord EDMOND FITZMAURICE. With maps and portraits. (London: John Murray. 1895. Pp. xvi, 335.)

SIR WILLIAM PETTY is a considerable name; and that in two different fields. The maker of the "Down Survey," he successfully performed a task which called both for administrative ability and for integrity, and he left behind him a record upon which, even to-day, rest the land-titles of the larger part of Ireland. The author of the essays on *Political Arithmetic*, he was one of the creators of modern statistics, and he has a place of his own in the history of economic thought. Accordingly, the biography just prepared by his descendant, Lord Edmond Fitzmaurice, "chiefly derived from private documents hitherto unpublished," will be welcome to readers of very varied interests.

The book is full of information and, in particular, it gives us abundant means of arriving at a fair estimate of Petty's character. The author has restricted himself to the presentation of his manuscript material, printing no inconsiderable amount of it *in extenso*, and giving a readable account of the rest; and for such tedious work, so carefully done, he has our thanks. But one result is that the reader will profit by the book only in proportion to what he already knows of the period; and even those who have some tolerable acquaintance with the time will find themselves at a loss to explain many of the allusions with which Petty's papers are bestrewn. The note on pages 296, 301,—"the allusion is not clear,"—might stand with equal propriety at the foot of many other pages. Another result, of course, is that we are given throughout only Petty's version of the events in which he was concerned. Though we can readily understand how an impartial performance of his duties in the survey and allotment of Irish land may have raised against him a host of unscrupulous enemies, yet it would hardly be safe to suppose that "the indices and catalogues of the gross wrongs suffered between 1656 and 1686" (p. 296) are absolutely trustworthy.

Since Roscher's Essay of 1857, Petty has been commonly looked upon as one of the early opponents of the "mercantilist" policy of trade restriction. In the useful account of Petty's economic writings given in Chapter VII. Lord Edmond Fitzmaurice points out that, although Petty argued against certain proposed restrictions upon grounds which seem to imply free trade "principles," he nevertheless contrived at the very same time to declare his belief, and that in unambiguous terms, in the fundamental idea of "mercantilism"—the idea of the balance of trade. The author loyally attempts to save the economic credit of his ancestor by the reflection that "the early authors on political economy wrote

with a constant fear before their eyes of speaking too freely." But he gives another explanation that seems quite sufficient. Petty's "mind was essentially practical." He not only "would probably have preferred the relaxation of the fetters of Irish trade" — in which he had a pecuniary interest — "to any amount of proclamation of abstract truth," but his was a mind with no great gift for abstract truth. He illustrates the strength and weakness of practical men. They do much towards the removal of evils in detail, but they allow to remain, unchallenged, the very principles from which like evils are bound to spring afresh. And so there will always be room in the world for the theorist.

The character of Petty, as he himself here reveals it, is hardly an amiable one. Not only master of all the physical science of the time, but also an inventive genius; affectionate towards wife and children; gifted with a quiet humor, and a power of mimicry that entertained his companions (p. 159), and with the gift of expression that seems the common property of the men of his century; he had other qualities less likely to call forth admiration. His friend, Southwell, ventured to tell him, "there is generally imbibed such an opinion and dread of your superiority and reach over other men in the ways of dealing that they hate what they feare" (p. 175). He was unseasonably pugnacious in the defence of what he deemed his rights, contending, as the same friend told him, "not for the vitalls, but for outward limbs and accessories, without which you can subsist with plenty and honor." Early success made him overweeningly self-confident; as when, with scant knowledge of law, he readily accepted a judgeship in the Irish Court of Admiralty (p. 248). He was notoriously close-fisted (pp. 289, 314); and even in his relations to his private friends he showed an evident want of delicacy of perception. The man who seeks to comfort his most intimate friend upon the death of his wife by reminding him that he can marry again (p. 259) is not attractive. And, besides, Petty was one of those who combine with a keen desire to benefit society an equally keen desire to feather their nests in the process; and such men are seldom liked.

W. J. ASHLEY.

Life of Adam Smith. By JOHN RAE. (London and New York: Macmillan and Co. 1895. Pp. xv, 449.)

MR. RAE has made not only a valuable contribution to our knowledge of the career of Adam Smith, but, incidentally, has presented an instructive picture of educational activity during the middle of the eighteenth century. Adam Smith, after studying at Glasgow College from 1737 to 1740, under teachers of unusual power, spent six years at the familiar Oxford of Gibbon, — years of valuable study to him, although his opinion of the university as a seat of learning is hardly less disparaging than that recorded by the great historian. The following years at Glasgow and Edinburgh were filled with the various activities of an old-time professor

who, in Dr. Holmes' phrase, filled not a chair but a settee. As a lecturer on literature, politics, morals, and economics, a college administrator, a travelling tutor in France, Smith gained that comprehensive knowledge of the world and wide outlook on life which distinguish him above most of his followers.

Intellectually he seems to have been most deeply indebted to Hutcheson at Glasgow, who, twenty years before any of the Physiocrats wrote a line, instilled into him the doctrine of natural liberty to which he was to give such an extensive application. Hardly less important than the influence of the philosopher was that of the great merchant Andrew Cochrane. This remarkable man was the founder of the Political Economy Club early in the decade of 1740-1750, the first organization of the kind on record. Cochrane was the leading spirit of this club, which met weekly during the thirteen years of Smith's residence in Glasgow. Of its discussions only brief hints have come down to us, but enough to indicate their value to Smith.

It is not possible here to follow Mr. Rae's painstaking narrative of Smith's life and work, or to do more than to give a glimpse of his character and of the early fortunes of his greatest work. The picture of Adam Smith, that gradually takes shape before one, is that of a typical eighteenth-century mind, largely emancipated from the bonds of tradition, glowing with the dry light of reason more than with deep emotion, thoroughly conventional and classical in taste, and showing no trace of the nascent romanticism. Smith enjoyed the friendship and respect of many of the greatest men of his age, with the conspicuous exception of Dr. Johnson.

When *The Wealth of Nations* appeared, early in 1776, it sold well, although with little help from the reviews. There was no notice of it in *The Gentleman's Magazine*, and *The Annual Register* gave it only two pages, while according Watson's *Philip II.* sixteen pages. The recognition abroad was almost immediate, coming first from Germany, where a poor translation appeared as early as 1776-1778. In 1777 the *Gelehrte Anzeigen* of Göttingen contained a review, and a course of lectures on the work was announced for the following winter at the university. Yet in spite of this early appreciation *The Wealth of Nations*, for a time, made little impress upon German thought. Roscher discovered hardly any references to it between 1776 and 1794. In France the case was different; the first version, by Blavet, was published, as a serial, in 1779-1780, and in book form in 1781. In spite of defects, which in the eyes of the Abbé Morellet made it so much a betrayal of the author as to prompt him to attempt a new version, it went through several editions. In 1790 there appeared a translation by Roucher, and in 1802 a third, the best of all, by Garnier. It was translated into Danish in 1779-1780, and into Italian in 1780. In Spain *The Wealth of Nations* received, at first, the flattering tribute of suppression by the Inquisition, on "account of the looseness of its style, and the lowness of its morals," but this dis-

approval was apparently only temporary, for in 1794 a Spanish edition in four volumes was issued.

In view of this remarkable diffusion of the work, it is, perhaps, rather surprising that *The Wealth of Nations* was not referred to in the House of Commons until seven years after its publication, when it was on the eve of a third edition. It was quoted as an authority next in 1787 and 1788, but not again until Pitt's admiring reference to it in his budget speech, February 17, 1792. The first reference to it in the House of Lords was in 1793.

But the influence of *The Wealth of Nations* on English policy was more marked than would appear from the parliamentary debates. In 1777 Lord North imposed two new taxes which had been suggested in its pages, one on man-servants, and one on property sold at auction. The inhabited house duty and the malt tax of the budget of 1778 were also derived from the same source. The extensive, but unacknowledged, use made of *The Wealth of Nations* by Hamilton, in his Report on Manufactures in 1791, has, apparently, escaped Mr. Rae's notice. The reactionary feeling arising from the French Revolution, as it retarded all movements of political reform, likewise checked the influence of *The Wealth of Nations*, although without seriously impairing its sale.

EDWARD GAYLORD BOURNE.

The Decline and Fall of Napoleon. By Field-Marshal VISCOUNT WOLSELEY, K.P. (Boston : Roberts Brothers. 1895. Pp. viii, 203.) *The Rise of Wellington.* By General LORD ROBERTS, V.C. (Boston : Roberts Bros. 1895. Pp. x, 198.)

THESE admirable monographs, by the new Commander-in-Chief of the Forces, and by the special pet and hero of to-day's British soldier, giving in a crisp *resumé* the last half of the career of Napoleon, and the entire career of Wellington, form an initial part of the Pall Mall Magazine Library, and contain information, not indeed new, but so concentrated that the reader, whom spare time forbids Jomini or Napier, may refresh his knowledge of the era which the restless Corsican made immortal. Limited by space, there is yet a well-digested mass within these covers, clearly collated and tersely expressed. To the British public they must be highly acceptable ; their chief interest to us lies in their thoroughly British point of view. To the average Briton, the Titanic wars from 1796 to 1815 seem to have been mainly waged by England ; Napoleon's downfall to have been due to her men and money ; the gigantic continental armies and equal expenditure to have counted for less. "It must be generally admitted," says Lord Wolseley, "that it was the war maintained by England against France, in Spain by land, and all over the world by sea, together with . . . her lavish subsidies, that eventually destroyed him." This view is traceable to that Anglo-Saxon singleness of aim which has conquered the world, the inheritance of which indeed has built up our own great country. Were one of us to write from

the "Greater Britain" standpoint, he might reach the same wrong estimate. From a national standpoint the sense of international proportion is lost, and too much stress is laid upon the work done by one's own people. Should these volumes fall into the hands of a man unfamiliar with those stupendous twenty years, he must conclude that England, with her three-score thousand British soldiers in the Peninsula, was the main instrument in forcing Napoleon's first abdication; and that Wellington, with his 25,000 British soldiers at Waterloo, was the absolute cause of his ruin. The millions of men raised by the continental nations, their death-roll greater many fold than all the men England put into the field, seem to vanish from the stage; and "Marschall Vorwärts," without whom Waterloo would have a French triumph, is quite forgotten. In the same manner, Eugene is never mentioned in connection with Marlborough: Blenheim becomes a British victory. This is inseparable from any strictly biographical sketch; only scrutiny of the subject from a point of view not national will gauge the relative values. The facts are that England's supremacy at sea was a considerable factor in the problem; that her subsidies were important; that her military aid on land was trivial. Were it possible for an unprejudiced statistician to reduce to percentages her value in the entire struggle, it would surprise one to see for how much less she counted than these volumes indicate.

Not but that the eminent writers aim to be fair. Lord Wolseley characterizes Napoleon as a Colossus among men, the greatest of all captains; he does abundant credit to his supreme military genius. Napoleon's decline, traced to a mysterious malady, Lord Wolseley begins in 1812; but it is clear that in 1809 there was distinct failure of his early decisiveness; mental and nervous strain were reacting on his physique. The sketch is able and forcible, and the volume, except for the modernized punctuation, which distinctively hampers instead of helps, is very pleasant reading.

In his busy life, as his articles show, Lord Wolseley has studied our civil war quite superficially. The continental critics have gone into them more *au fond*, and have discovered their good as well as their weak points. Lord Wolseley insists much on the value of regulars, forgetful that (as Lord Roberts points out) the best of all schools is the school of practice, and speaks of our 1865 troops as "undisciplined and untrained." The fact is, that in 1865 (eliminating all foreign-born) there were on both sides a million Anglo-Saxons, the residuum of over three million enlistments, who were the veterans of four years of war and 200 pitched battles, a body in which over a hundred regiments lost in killed in some one action a percentage higher than that of the heroic Balaclava charge,—many almost twice as much; a body in which from 1861 to 1865 the killed and wounded in battle averaged over 400 men a day; a body hardened by marching and fighting unsurpassed in any age; a body as good as and far more numerous than any army England ever boasted. Though they might not have saluted as stiffly, or pipe-clayed their belts as white as Tommy Atkins, they had learned their duty in a struggle against equal opponents. England stands

alone in not having, for many generations, had a war which jeopardized her very life ; her campaigns for eighty years have been much like our Indian struggles ; since the Crimea she has not faced a civilized opponent ; war according to the larger standard is unknown to the British soldier. To Lord Wolseley the Tel-el-Kebir campaign naturally appears to exhibit greater skill and fortitude than the Wilderness, where in thirty days some 70,000 English-speaking men bit the dust ; but the soldiers who have most studied and seen serious war, will not agree with him in depreciating the American volunteer. As a raw recruit he did, in truth, stampede at Bull Run, for which act it would not be hard to find precedents, even among British regulars ; but he later learned to stand decimation unequalled since the battles of Napoleon. Dating from 1862 he was as good a soldier (whether regular or not) as has stood in arms since the disbandment of the Old Guard. Lord Wolseley never commanded — has never known — his equal.

Lord Roberts places Napoleon less high than Lord Wolseley does — possibly second to Wellington. He underrates him, charging him, for instance, with many mistakes in the Waterloo campaign, while Wellington made none, — an opinion quite untenable. Such estimates, however, to those who know this era, lend the book additional color.

Great Britain has always rewarded her heroes with royal munificence, and her sons serve her the better for their blind belief. In addition to many earlier gifts, Wellington was voted in 1814 £400,000, the equivalent to-day of five millions of dollars. What would Grant or Sherman, over whose paltry \$15,000 a year for life Congress fought so stingily, have said to this? England's coffers have been always full, and if money is the sinews of war, then she truly bore her share in the Napoleonic struggle, for her subventions to her men-rich, coin-poor continental allies, in 1815, rose to £11,000,000 a month.

In Lord Roberts' sketch of Wellington's character, he conceals no weakness nor (except in the comparative values) exaggerates his strength. The Peninsular campaign is lucidly summarized, the story of Waterloo happily told. Wellington had many of the qualities of the great captain, — a marked fondness for the offensive, judgment rarely at fault, tenacity of purpose, industry, push, patience and self-control under reverses, exceptional discrimination, and the ability to control though not to win the love of his men. Curiously, his despatches give small credit to the quality of his armies ; and yet they marched and fought, as the Briton always does, superbly. The one quality Wellington lacked was that imagination without which no general reaches the highest rank. That he, with Blücher's aid, won at Waterloo, no more places him beside Napoleon than Zama raises Scipio to the level of Hannibal. Wellington may be fairly classed with Turenne, Eugene, and Marlborough. He can be ranked higher only from a British point of view.

The matter of these volumes never loses its interest. The manner of its presentation is what one might expect from the brilliant initial volumes

of the biographer of Marlborough, and from so able and straightforward a soldier as the man who marched from Kabul to Kandahar. They are a welcome addition to any library.

THEODORE AYRAULT DODGE.

Histoire de mon Temps; Mémoires du Chancelier Pasquier, publiés par M. le duc d'Audiffret-Pasquier. Deuxième partie; Restauration, III. 1824-1830. Tome sixième. (Paris: E. Plon, Nourrit et Cie. 1895. Pp. 485.)

THE sixth and last volume of Pasquier's *Mémoires* is, strictly speaking, a history of the decline and fall of the restored elder branch of the Bourbon dynasty. Those familiar with the earlier volumes will not anticipate, in the closing one, any of the personal interest which attaches to the traditional French memoirs. There is neither wit nor wickedness. It reads like a lawyer's brief, and even the sedate reminiscences of Miot de Melito have not a little *verve* when contrasted with its systematic and unswerving progress. The chancellor confines himself closely to a narrative of the policy of Charles' ministers and their relations with the legislative chamber. There are no wandering personal recollections. When the author introduces himself, it is as a government official. The reader is, however, more than compensated for the palpable want of animation by the writer's admirable impartiality and coolness of judgment. There is nothing vindictive, for example, in his treatment of Charles X., in spite of the king's dislike for him. On the contrary, M. Pasquier, who had at least one opportunity of judging of the king's conduct in council, frankly owns that he was surprised at his intelligent participation in the discussion. Charles appears, moreover, to have listened to M. Pasquier's denunciation of the interference of the administration in elections, not only with equanimity, but even with approval. The writer's only object is to explain the king's policy and motives, and the attitude of the deputies and journalists toward the changing administration. There is a complete absence of the customary pen-pictures. The characters of the public men are exhibited only in their actions.

M. Pasquier had exceptional advantages for observing and ascertaining the true course of events. He had three times occupied a ministerial position under Louis XVIII., and was more than once included in the proposed ministerial combinations under Charles X. Although he wisely refused these invitations, he was naturally deeply interested in the inner history of the successive cabinets and gives it an important place in the volume before us. Still the reader will look in vain for any sensational discoveries which might revolutionize the current views of Charles' reign. While there are corrections and elucidations in detail, the story of blindness and incompetence remains much the same as it appeared before M. Pasquier's volume came to hand.

Pasquier substantiates the traditional belief that the reign of Charles X.

commenced, to all intents and purposes, at least two years before his brother's death. It seemed expedient to Villèle, the last minister of Louis and the first of his successor, to carry out such unpopular measures as promised to be advantageous, before the dauphin became king. The censorship of the press, for example, was introduced during the last failing days of Louis, only that its abrogation, by the same minister, might form an auspicious introduction to the new reign.

Charles was, as might be anticipated, much more obstinate in questions where his favorites were involved than in those relating to proposed legislation, which he not infrequently failed to grasp. He dreaded to part with a single one of the agents who had, since his return to France, formed what he called his party. This meant the maintenance of a secret council which rendered the position of the king's official advisers equivocal in the extreme. Two journeys which the king took in the northern and eastern provinces convinced him that, with such loyal troops as he had reviewed, and with the devoted people who greeted him, he would have no difficulty, when the time came, in shaking off the yoke of the constitutional party. The ministry of Martignac, suspecting the king's misapprehensions and aware of his essential want of confidence in the members of his cabinet, drew up, late in the year 1828 or early in 1829, a remarkable *mémoire* in which the hazardous nature of Charles' schemes, and the ruin which threatened him and his house, were portrayed with startling precision. After emphasizing the impossibility of obtaining a majority in the present chamber, or after a dissolution in the succeeding ones, "*Venait alors l'hypothèse d'une suspension momentanée de la Charte, qu'on rétablirait après avoir décidé par le pouvoir royal seul certains points qui ne peuvent être sagement décidé que par lui. Si, par malheur, de pareils conseils étaient écoutés, les ministres, accomplissant un rigoureux devoir, ne craindraient pas de déclarer au Roi qu'ils amèneraient non seulement sa ruine immédiate, mais celle de toute sa famille.*" Pasquier well observes, "*Je n'ai jamais vu de prédiction plus formelle, comme il n'y en a jamais eu de plus rigoureusement accomplie!*" Whether this well-meant warning first supplied the perverted programme which the king later carried out to the letter, M. Pasquier does not inform us.

The famous "221" who voted for the address in 1830, and who played such a conspicuous rôle in the succeeding election, would, Pasquier tells us, have been reinforced by some 80 members of the right centre, had it not been that these, offended by their exclusion from a committee, refused to concur with the majority with which they were in substantial accord, so far as the king's policy was concerned. This left the minority 120 strong, while, had there been but 40 on his side, the king might well have despaired of gaining a majority through a dissolution, and in this way the crisis might have been postponed, if not altogether obviated.

The incredible negligence of the king and Polignac, and the apathy they exhibited during the July days of 1830, are, in a measure, explained by their reliance upon superhuman aid. The pious Count of Broglie, head

of a military school, upon offering, with some insistence, his support during the disorders in Paris, was put off by the king with the following startling exhibition of the royal confidence in divine favor: "*Allons, mon cher comte, je vois bien qu'il faut tout vous dire. Eh bien, Polignac a encore eu des apparitions cette nuit; on a lui promis assistance, ordonné de persévérer, en lui promettant une pleine victoire.*"

One cannot read this account of the blindness and incapacity of the youngest of the royal brothers, without recurring constantly to the sorry figure of the elder brother when facing a graver crisis forty years before. There is the same pseudo-religious element, the same reliance upon secret councillors, the same almost ludicrous absence of common sense. And yet, there is a significant change in the attitude of the nation's representatives. Charles X., who was sheltered by ministerial responsibility, departed in peace, while the Prince of Polignac was condemned to perpetual imprisonment.

JAMES HARVEY ROBINSON.

Un Ministre—Victor Duruy. Par ERNEST LAVISSE. (Paris: Armand Colin et Cie. 1895.)

M. LAVISSE, to whom we are indebted for this sketch of the life of one of the most eminent historical writers of France, and of one of her most enlightened ministers of Public Instruction, had been one of his pupils at the Normal School, his secretary during the entire period of M. Duruy's ministry and, upon the minister's retirement from the cabinet of Napoleon, he continued to hold equally confidential relations with him until the close of his life in 1894. His prolonged social and personal relations with M. Duruy qualify him to speak of his hero with considerable authority, subject always to the limitations imposed by the obligations and the obscurations of friendship.

Victor Duruy was descended from a Dutch family which was induced to seek employment in the famous Gobelins manufactory in Paris during the ministry of Colbert. For seven generations his family had uninterruptedly contributed, in its way, to the world-wide fame of that institution. In one of its cottages, which had been occupied by the Duruys for more than a century, young Duruy was born September 10, 1811. His father was one of the heads or chefs of one of the departments of that famous industry. Victor was sent early to school in the Rue Pot-de-fer, but at the same time took lessons in drawing at the manufactory by way of hastening his preparation for embracing the family calling, which it was taken for granted he was to follow.

Thus far the history of young Victor differed as little from that of most boys as one hen's egg differs from another. There was no bow of promise in his cloud. The most any one could have predicted for him would have been, late in life, a succession to the post held by his father. But how he was destined to decorate the history of his country rather than the tapestry of the Gobelins he thus proudly recalled, the day he became a

member of the French Academy: "Mine," he said, "has been a singular destiny; at college I entered at the foot and came out at the head; at the École Normale, the same; at the Université I remained longer than any others on the lowest seat, and suddenly was sent to the highest. At sixty-two I had not yet been received at the Institute. And now I am a member of all three academies."

Duruy entered the École Normale at the age of nineteen, where he enjoyed the instruction of Burnouf, Michelet, Ampère and Jouffroy among others. Under such educational influences it is not surprising that the study of history became with him a passion, and the writing and teaching of history his vocation. He graduated from the École Normale in 1833 with the first honors in the *concours* of history.

In the month of January following, he was called to teach history at the Collège Henri IV., in which institution the Duc d'Aumale and the Duc de Montpensier had been recently matriculated, and M. Lavissee gives us to understand that it was on their account that the son of the Gobelins weaver was selected for this position. Here commenced privileged relations with the court. Louis Philippe invited him to a dinner at the Tuileries, which, of course, proved to him a very embarrassing ceremonial, chiefly through what seemed to him the excessive condescension of the royal family. His income from his teachership was but about \$320 a year. To eke out this scanty revenue, he placed a portion of his time at the service of the editor of the *Univers Pittoresque*. At the same time he continued to work on a *Histoire des Romains* which he began soon after leaving the École Normale. For this work, of which two volumes were published in 1843 and 1844, he was rewarded by M. Salvandy, then Minister of Public Instruction, with the Cross of Honor, and with a promotion to a professorship at the Lycée St. Louis, in 1845.

In the Revolution of 1848, Duruy took no part. He afterwards said he had never cried, "Vive la République," "Vive la Monarchie," "Vive le Roi," nor "Vive l'Empereur." In view of the relations which were subsequently established between him and Napoleon III., it is worth noting here that at the election which made Louis Napoleon President, Duruy voted for his rival candidate, General Cavaignac, and when Napoleon made his appeal to have his usurpation of the government confirmed by a *plébiscite*, at the general election in December, 1851, Duruy voted No.

During these troublous years for France, Duruy was very busy with his pen. The third and fourth volumes of his *Histoire des Romains* were ready for the press in 1850, but, as they embraced the period of Cæsar and the Empire, he did not find the times opportune for their publication until 1872, the year after the fall of the Empire and the exile of the Emperor. He also issued the first edition of his *History of Greece*, and also edited the *Collection d'histoire universelle*, for which he wrote the *Histoire de France*, in two volumes, which had a surprising success.

In 1859 Marshal Randon was relieved from the duties of governor-

general of Algiers. He wished the world to know that a mistake had been made in recalling him, and, at the suggestion of one of his officers of ordnance,—not wielding the pen of a ready writer himself,—he sent for Duruy, into whose hands he placed the documents required for that purpose. A brochure was the result, signed by one of the marshal's aids, and published. Shortly after this the marshal became the Minister of War. Seeing one day on the Emperor's table the *Histoire des Romains* of M. Duruy, he said, "What is your Majesty doing with this little book? I know the author, but I did not know that he found readers in such high places." "It is a good book," the Emperor replied, "and I would like to have a talk with its author. Since you know him, tell him to come to see me to-morrow at one o'clock." Some hours after this, one of the imperial lancers was seen riding through the Rue des Poules to announce to the professor the rendezvous which the Emperor had invited. This was the commencement of an acquaintance and of a friendship which appears to have endured, without interruption, through the respective lives of host and guest, and was, in different ways, highly creditable to both.

A few months later, M. Duruy was sent for by M. Rouland, the Minister of Public Instruction, and asked to prepare some notes on the history of the Pontifical States. In three days the required monograph was produced, giving an outline of their history, showing that they were formed like most of the great sovereignties of the world by all sorts of means, especially bad ones, and that they had been and were prejudicial to the Papacy. It concluded with a recommendation that the Vatican be left to the Pope, under the protection of the Catholic powers. The following week the minister recalled M. Duruy, showed him the proofs of his paper, which he excused himself for having put in type, as it was to be submitted to the Emperor, who did not like to read manuscript. He also requested M. Duruy to have it published. Before it was sent to the press, however, the insurgent Pontifical States had surrendered to Piedmont. The Tuileries government could not, in such a crisis, afford to expose itself to the suspicion of conniving at, or of being in any degree privy to, the insurrectionary movement in the Pontifical States, and therefore Duruy's paper appeared without his signature, with the title of *Papes princes Italiens*. Ten thousand copies are reported to have been sold in a few days.

The Emperor found in this brochure new evidence of Duruy's capacity for being useful to him. In 1861, Duruy was named *Maître des Conférences* at the École Normale, *Inspecteur de l'Académie de Paris* early in 1862, and in the same year was appointed to the chair of history, which had only just been established in the École Polytechnique. But the student's "peaceful life of thoughtful joy" was soon destined to experience an abrupt and prolonged interruption, and his shoulders subjected to burdens for which, to say the least, they had no special adaptation. In the winter of 1862 M. Moquard, the President's private secretary, sent

for Duruy and said that he was getting old and that the Emperor wished him to have some help in his work, and desired M. Duruy to designate some university man suitable for such a function.

In the progress of the interview it became apparent that the university man upon whom the Emperor's affections were placed was Duruy himself. To reconcile such an application with his duties as inspector of the university, it was arranged that Duruy should pass two hours of every day in the Emperor's cabinet, on condition that nothing should be said about either an official title or compensation. It soon transpired that he was there to assist the biographer of Cæsar and not to relieve the biographer's aged secretary. Among the things about which we are told that he was consulted was a passage in the preface about the imperial biographer's theory of providential men, as to which Duruy is reported to have somewhat disappointed his imperial patron by contesting that theory and remarking that a person charged with the training of a lad should teach him that we "are not slaves, but the architects each of his own fortune." The historian's argument appears to have failed to convince the Emperor, as the passage in question was retained. *Post hoc* if not *propter hoc*, the Emperor soon ceased to counsel with his supplementary secretary about Cæsar and Cæsarism, but got in the habit of conferring with him, confidentially, about more important cabinet questions. At the end of three months, he was gazetted in the *Moniteur* as the Minister of Public Instruction to replace M. Rouland.

Duruy was in the fifty-third year of his age when he entered the cabinet of Louis Napoleon. The Department of Public Instruction in France, during the present century, has been pretty uniformly filled by men selected from her most eminent citizens, but it would be difficult now to name any one better equipped for the discharge of the proper duties of such a department, or as well acquainted with its actual needs at the time of his accession, as Duruy. In the various positions he had held in honorable succession, from that of a pupil to that of inspector-general, he had acquired a familiarity with the kind of instruction given in the schools of France, its merits, its defects, and its abuses, and with all the malign influences to which they were respectively attributable, which it is no presumption to say was not possessed in a greater degree, if an equal, by any other man. He thought, and rightly, that the time and opportunity had come when obscurantism could receive its quietus. With these views it deserves to be said to the credit of the Emperor that he was in cordial sympathy, and no doubt fully justified the hopes and confidences with which Duruy at once began to break the ground for a comprehensive and thorough system of educational reform.

Popular education in France, at this epoch, consisted of a little reading, a little writing, and a little arithmetic, supplemented by a good deal of catechism and Bible history. "Thousands of communes," says M. Lavissee, "were without schools for girls, and most, if not all, hamlets with no schools at all; there were no schools for adults; not a single vil-

lage library; teachers were paid only starvation wages, some 5000 female instructors receiving less than \$80 a year, some less than half that sum, and not one of them entitled to a retiring pension, nor any teacher of either sex assured a retiring pension which would yield more than 20 cents a day."

Unhappily the Church of Rome, which claimed and had heretofore enjoyed controlling influence in this department of the government, on the one hand, and the Emperor on the other, were animated by conflicting views in regard to the share which the clergy should have in the education of the people, especially those of the gentler sex, a difference which the Emperor's Italian policy had made irreconcilable. The new minister determined, as the first step to a reform, to put an end to the mediæval system of education which the clergy so tenaciously cherished. Of course he soon had the ecclesiastical hierarchy in full cry upon him. He received little support in the beginning, and soon none from his colleagues in the cabinet, whose experience and observation had taught them, as politicians, to beware of incurring the enmity of the Church. They were quite willing that Duruy and the Emperor should wage war with ultramontanism, and even wished them success, but each said to the Church as the negro said to the copperhead, "If you'll let me alone, I'll let you alone."

Sustained by the Emperor, Duruy effected many reforms; reforms which France has since learned to appreciate. Of this ample evidence is to be found in the honors showered on him by the republican government which succeeded the Empire. With these reforms there is no occasion to trouble the American reader.¹ The only reflection their enumeration would be likely to inspire would be one of wonder that so recently as 1863 France should have required such reforms.

M. Duruy committed an error, if it was in his case an error, which all earnest men are apt to commit who are called into an important public office without any previous experience in governmental administration. He found everything needed change, but he did not realize the impossibility of changing the habits of a nation, for no matter how much the better, all at once. He no doubt precipitated too many changes at a time, each of which affected, unfavorably, the selfish interests of some, and thus incorporated, especially in the Church, a formidable hostility to his administration. He was rated for his extravagance, but no such accusation would have ever been heard of, probably, had he allowed the Church to remain in control of the schools, for the meagreness of the budget for educational purposes was one of the most indefensible and often assailed offences of the administration of Napoleon III. Duruy took credit to

¹ If any of our readers are curious to know the nature and extent of the reforms projected by Duruy, we would refer him to *L'Administration de l'instruction publique de 1863 à 1869*, published by Delalain. In these two volumes may be found all the addresses of the minister, his reports to the Emperor, his circulars and official instructions.

himself for having increased the budget of his ministry from \$3,855,701 to \$5,428,930. He was frequently compelled to invoke the aid of the Emperor to make Fould and Rouher yield to his modest demands. In his desperation sometimes he did not hesitate to appeal directly to the Emperor and ask if he did not fear the reproach that would soon be in all mouths that France spends twenty-five millions of francs for a prefecture, fifty or sixty millions more on opera, and yet begrudges an increase of seven or eight millions upon the ordinary budget for the education of the people.

His official career was a continual struggle with the Church, and without effective sympathy or support from any quarter except from the Emperor, who is believed to have rendered him all the support in his power. But he, alas! had built his house upon the sand; he had sought to reconcile a purely personal government with popular sovereignty. After the Mexican disaster, the Emperor called parliamentary government into existence. The institution of parliamentary government naturally involved an entire change of ministers. It ought not to have been a surprise to Duruy when, shortly after dinner in the evening of the 19th of July, 1869, the following letter from the Emperor was put into his hands:

MY DEAR M. DURUY:—

It is one of the bad sides of the present situation to be compelled to separate myself from a minister who had my confidence and who had rendered great service to public instruction.

If politics have no bowels, the Sovereign has, and he wishes to express to you his regrets. I have charged M. Bourbeau, deputy, to replace you. I hope to see you one of these days, that you may tell me what I can do to testify for you my sincere friendship.

Duruy was shortly after named senator. Then and there his connection with the Empire and with politics practically ended forever.

The morning after Duruy received the imperial missive which restored him to freedom and his library, M. Lavissee tells us, "As I was descending from my chamber, I saw the door of M. Duruy's cabinet half open.¹ The ex-minister was already at work. He had drawn from a *cartonnier* some packages of paper, stained by age, and was looking at them as at an old friend from whom he had been long separated. They were the third volume of *L'Histoire des Romains*. 'Since you are here,' he said, 'you may help me. Let us go to the library.' From thence we brought several armfuls of volumes. Surrounded with them, he was, in a quarter of an hour, hard at work with as little thought of

What the Swede intends and what the French

as if he had never ceased to be a simple professor at the École Normale." The next twenty years and upwards, he devoted himself pretty exclu-

¹ They were lodged at this time at Villeneuve St. Georges.

sively to historical work, except for the short time in which he enlisted for the defence of his country in her calamitous war with Germany.

His History of the Romans, from the remotest times to the death of Theodosius, was published, a volume or two at a time, between the years 1876 and 1885, and is the work by which his historical faculty may be most correctly estimated. It will always rank as one of the half dozen best productions of the French school of history up to the date of its appearance. It was promptly translated into the English, German, and Italian languages, and secured him an election successively into the Academy of Inscriptions and Belles-Lettres, into the Academy of Moral and Political Sciences, and finally, into the Académie Française. In the intervals of this work, he revised and perfected his *Histoire Grecque*, which is also a standard French classic. When in his eightieth year he had finished these works, he began a review of his *Histoire de France*, with which his long and useful labors as an instructor in this world terminated. It was in this year, 1892, and with a consciousness that the world which he had enjoyed so much and served so honorably was relaxing its hold upon him, that he set down, with a trembling hand, some pages about himself, of which we obtain the following glimpses from M. Lavissee. "He expresses the hope, if any one should occupy himself with him after his grave shall be closed, that justice would be done to his good intentions; he also recalls the fact that many who had been his adversaries had since admitted their error. The paper terminates with these words, 'If the *rappel* shall be beaten for me at the end of this year, 1892, I should say it was a timely end.'" The *rappel*, however, was not beaten for two years yet. He lived until the 25th day of November, 1894.

Duruy was trained to be an educator, and he spent his life as an educator. Even during the six years he spent in the ministry he was an educator and nothing else, running all the educational institutions of France instead of one or more, as before his elevation to the cabinet. He practically littered school-books during the earlier part of his professional life, and the histories upon which his fame is destined to repose were inspired by a desire to supply the student with books of which the literature of his country was lacking. Even in the parenthetical six years spent in the ministry he did not change his vocation. He was in the cabinet but not of it, any farther than as he was official head of the schools of the Empire. He had practically no part in the politics. He was consulted on political matters by no one but the Emperor, to whom he gave little advice which the Emperor was in condition, even when disposed, to accept, surrounded as he was, like Milton's Comus, by "grim aspects and ugly-headed monsters," with

nor ear nor soul to apprehend
The sublime notion and high mystery

of a government of the people, for the people, by the people. Duruy's heart and soul were in the schools, and with the other departments he had scarcely more concern than the humblest clerk in his office.

The Emperor sympathized with him in his efforts to emancipate the educational institutions of his country from mediævalism and expand them to the needs of the times. That was the bond of union between them and, politically speaking, the only one. Duruy is not believed to have advised or directly countenanced any of the repressive measures which the Emperor deemed necessary for the perpetuation of his power and dynasty. He managed, however, under all the gravest disadvantages, greatly to improve the educational system of France, and it is safe to say that he was the only counsellor of the Emperor from whom such results could have been expected; for it was not in that direction that the prizes of politics in France in those days were supposed to lie.

JOHN BIGELOW.

The Life and Letters of Edward A. Freeman, D.C.L., LL.D. By W. R. W. STEPHENS, B.D., Dean of Winchester. (London and New York: Macmillan and Co. 1895. Two vols., pp. 435, 499.)

FREEMAN's life was uneventful, but is well worthy of a literary memorial. This has been prepared at the request of the Freeman family, by W. R. W. Stephens, Dean of Winchester, the biographer of Dean Hook. The two volumes devoted to Freeman's *Life and Letters* are attractive, readable, and well edited, but very inadequately indexed. The plan of the author is to describe, in an orderly way, Freeman's early life and course of education; his interest in history, architecture, and foreign politics; his pleasant home-life amid country surroundings; his literary, journalistic, and archæological work; his academic and political ambitions; his travels on the continent and his visit to America; his work at Oxford; his winters in Sicily and his fatal journey to Spain. These and many other subjects are rapidly sketched by the biographer and are illustrated in detail by copious extracts from Freeman's letters conveniently grouped by periods. The editor has wisely preserved Freeman's characteristic method of redating his letters when suddenly broken off, and, while venturing some conjectural interpretations and emendations of manuscript, has on the whole adhered closely to Freeman's own views of editorial duty towards dead authors. On this point Freeman thus expressed himself in a letter to Dean Stephens:—

"I have a very strong view about the way of publishing a dead writer's book. Setting aside a spelling-book, a law-book, a book of geometry, where matter is everything and form nothing, I hold that the author's text should appear as he left it. You may work in any corrections or additions (in brackets) that he made himself, but no corrections, no improvements, of any editor. Anything that is positively wrong may of course be pointed out in a note. I would not let editorial work go further. The book should be the record of its own author's mind alike in its strength and in its weakness."

Dean Stephens has refrained from correcting Freeman's bad German, but often calls attention in footnotes to misquotations and an occasional

confusion of classical names or words. Freeman was very fond of interlarding his letters with Greek phrases, chiefly of his own coining. Like St. Paul and the evangelists, he quoted very loosely from ancient literature. This habit was as characteristic of Freeman as blunders in geography were natural to Froude.

Freeman appears to good advantage in his patchwork letters. He would appear better if he had always remained true to his principle of spinning his yarn in plain English. Cardinal Newman thought the true life of a man is best seen in his correspondence. This is certainly the case with Freeman. His letters are himself, with all his strength and all his weakness. He was, among his many virtues and limitations, friendly, good-humored, bluff, hearty, honest, frank, manly, fond of children, kind to animals, energetic, hopeful, courageous, laborious, untiring, much-enduring, much-afflicted with cough and gout, needing care and sympathy, craving human companionship, sensitive, shy, proud, fretful, wayward, grumbling, growling, bellowing,—in short, a typical John Bull. He loved his friends and hated his enemies. Doubtless he overrated the merits of the one and exaggerated the faults of the other. Those who knew him best liked him. His faults were on the surface. Beneath his shaggy leonine exterior lay a warm heart and a tender sympathy for man and beast. He made all Englishmen howl with fury when he attacked fox-hunting, bird-shooting, and field-sports (see *Fortnightly Review*, October, 1869, and May, 1874), but he got the best of Mr. Anthony Trollope in the controversy. Freeman was opposed to deer-stalking and bull-baiting, but he liked nothing better than "Froude-smiting" and "making mince-meat" of Professor Seeley. He never wearied of smiting "fore and aft, hip and thigh," all Turks and Jews, also Francis Joseph, Louis Napoleon, and Lord Beaconsfield; but he was

appeals, \$25,000 for the relief Dean Hook once reproached of his book reviews. Freeman or being fools, which they could ey could help. Freeman liked e said of Miss Edith Thompson ove her and Johnny more than st."

stematic. Unlike Macaulay, he composition at the same time; ed his materials upon different e was no confusion, at least for of proposed work and allotted s. If in any case he exceeded lum like this: "Big Sicily owes

This debt, from his *magnum* am's series called "Story of the isly discharge. Freeman's jour- ons and speculations; it was a 1.

Freeman was an early riser, and began his daily work before breakfast. Afterwards he took a little walk in his garden and then worked straight on till dinner, which, at his country home, was always early. The afternoon he devoted to recreation. Horseback riding and walking were his favorite modes of exercise. He was fond of having congenial company at "Somersleaze," where he settled in 1860; but when a dancing party or parlor theatricals threatened his domestic peace, he started off upon an archæological expedition. Antiquarians and other sympathetic visitors he would take on a stroll through the woods, back of his house, to the open top of a hill called Ben Knoll, where he believed the tide of West Saxon invasion was once checked, and where there is a view of remarkable beauty and historic interest. Like Petrarch, Freeman was generally averse to climbing mountains merely for an outlook or for exercise. For an historical purpose he would do anything, climb, or cross seas, anything except delving in libraries and archives not his own. Freeman delighted in exploring and sketching, in walking and talking, and in sitting under his own elm and cedar. He enjoyed letter-writing to personal friends, and usually found an hour before supper for cultivating society on paper. Apparently he would begin, at one time, letters to several different people, write to each a page or more, break off abruptly (perhaps in the middle of a word), and go on again when he felt like telephoning a brief message to somebody or other. His tables and floors were literally covered with unfinished letters. He seems to have kept his friends around him, like his books, and his children.

When Freeman came out to America he said there were two things that he wanted especially to see,—a town meeting and a negro baby. For some reason, probably climatic, colored babies were not on exhibition in Baltimore on those streets which Mr. Freeman happened to traverse, and he professed to be greatly disappointed. To console him in some degree, I took him one Sunday evening, with his wife, to see two types of negro meetings, or, as he called them in one of his letters (II. 242), "Black Methodists," and "Black Episcopalists." He became so interested in the singing and preaching at the Orchard Street Methodist Church that I could scarcely drag him away. The colored minister's text was from Genesis 49:10: "The sceptre shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh come." There was so much Jewish history in the discourse that Freeman was greatly astonished. "Hear the black fellow," he said. "He is talking about the Sanhedrim." When the Methodist temple grew too hot we adjourned to the "Black Episcopalists," whose black choir in white surplices looked very droll to Freeman.

It appears from a letter to Stubbs that Freeman occasionally, in his own parish church, "put on an ephod," as he called it, and read part of the service. Freeman was something of a High Churchman, and was early versed in ritualistic matters. He thought "High Mass the finest thing in the world" (I. 245). While in warm sympathy with historical Christianity and with the Church of England, he hated theology and absolutely refused to be bound by religious dogmas. He had liberal views regarding the Bible

and the higher criticism. To Dean Hook he wrote in 1866: "I hold — and I see nothing in our formularies to hinder me from holding — that a great part of the early Hebrew history, as of all other early history, is simply legendary. I never read any German books on those matters at all, but came to the conclusion simply from the analogies supplied by my own historical studies." He wrote to his Catholic friend, Bishop Patterson: "It certainly does not seem to me that belief in Christianity at all binds one to the letter of the Old Testament, perhaps not of the New either. I fancy, somehow, that *you* are not nearly so tied to the letter as our people are — certainly the old people before the Council of Trent were not" (II. 390). In the *Contemporary Review* for April, 1889, Freeman attempted, in an article on "Christianity and the Geocentric System," to defend the historic faith from certain attacks by critics who thought Christianity could not be true because the world is so small and travels around the sun. Freeman answered the critics from the text in 1 Corinthians, 26–28, which he thought explained "the whole course of history better than anything else."

Freeman's jokes were often mediæval if not classical in their antiquity. "People had some fun in the eleventh century," he said, "or I should lead a poor life of it — see Osbern's letter to Anselm" (see *Reign of William Rufus*, I. 374, and II., Appendix Y, for further particulars). Fancy Freeman in Virginia going back to the Norman Conquest in order to make a joke about Virginia mud and his son's title to an old plantation. In a letter to me from "Rapid Ann Depot," Culpeper County, December 25, 1881, the old historian said: "I want to make a Virginia Domesday: it would fall so naturally into the old forms. *Freeman tenet; Bell tenuit Tempore Ante Guerram. Valebat . . . dollarios; modo . . . Waste fuit.* And in all cases we might add *Potuit ire quo voluit cum ista terra*, for the soil of the old Dominion sticketh to the boots and is carried about hither and thither." The church at Rapidan he found a poor concern. He said the pews made him better understand the saying of the psalmist (49: 5): "When the wickedness of my heels compasseth me round about"; for there was no possible way of kneeling, "save by altogether turning one's nose the wrong way."

The personal appearance of Freeman was well described in a piece of word-painting attributed by him to a Virginia blacksmith at Rapidan, who said of the historical humorist: "He is a jolly, sturdy-looking old buck." Four good portraits of Freeman are given in Dean Stephens' volumes. The first represents him, in the days of his fellowship at Oxford, as a ruddy youth, about twenty-four years of age, with side whiskers, curly hair, starched shirt, standing collar, and a fancy vest, — altogether a dapper and well-groomed university man. The second is a characteristic and amusing sketch of the historian of the Norman Conquest with a bushy beard, at the age of fifty-three, in a baggy suit of clothes, hat on, hands behind him grasping a stout umbrella; he is attending an archæological meeting at Usk Castle in Monmouthshire. The third portrait is an excellent likeness, from a photograph taken at Oxford, probably about the time

of his return in 1884 as Regius Professor of Modern History. The fourth shows him, long-bearded and very gray, at work in his Oxford study, 16 St. Giles, at the age of sixty-eight, only about four months before his death. He is sitting at a large table, which is covered with manuscripts and books.

HERBERT B. ADAMS.

A History of Slavery and Serfdom. By JOHN KELLS INGRAM, LL.D., Senior Fellow of Trinity College, Dublin; President of the Royal Irish Academy. (New York: Macmillan and Co. 1895. Pp. xiv, 285.)

MR. INGRAM'S history of slavery and serfdom is his article on "Slavery," in the *Encyclopædia Britannica*, made by additions and the attractive print of a Black publication into a book of nearly 300 pages. His aim is to present such general knowledge of the subject as all well-educated persons should have. He describes briefly the slavery of Greece and Rome, then the change in Europe from slavery to the serfdom of the Middle Ages, and then the change, ending only in our own time, from serfdom to free labor, to personal independence. All this he treats as one great social movement, whose beginning was the enslavement instead of the slaughter of captives in war, a distinct advance in civilization, and whose slow steps upward then came about by the possibility of the absorption of slaves and serfs into the general popular body. To this is added a survey of the growth and abolition of negro slavery in America, and of the present condition of slavery in Africa and the East.

Although Mr. Ingram aims to give a complete account of slavery and serfdom in modern as well as ancient times, and does give in considerable detail the condition of the slave in Greece and Rome and of the later serf, we find no description of what African slavery in the West really was at the time when the long contest over abolition was going on. Viewing that slavery of modern times as no natural outgrowth of previous social conditions, but as politically, as well as morally, a monstrous aberration, he passes on to its abolition. At the close of his brief account of abolition in the United States—covering only twenty pages—he states that it is difficult to believe that the position of the negroes of America is finally determined; that the indelible mark of color must, apparently, keep the races apart and prevent a close degree of unity in the population; and that it is not easy to believe in the perpetual, peaceful co-existence, in a modern republican and industrial state, of a dominant and a subject caste, possessing the same political rights. Also, he quotes not only Jefferson's strong denunciation of slavery,—strong enough to suit an abolitionist of 1850,—but Jefferson's equally strong conviction that the Anglo-Saxon and the African races, equally free, could not live in the same government. But he evidently attributes this state of things chiefly to the mistaken ideas of the Southern whites—to the "contemptuous and exclusive feeling"

which he fears will continue to exist; and he says that the question of slavery and abolition in the United States ought to have been regarded "as a part of the world-problem of the proletariat."

We believe that Mr. Ingram's denunciation of modern slavery is just, but that his understanding and his treatment of it, in the United States at least, are incomplete. To understand abolition, slavery itself must be understood as it appeared to the thoughtful American of a generation ago, South as well as North. It cannot be treated "off-hand" from general principles, nor can it be treated at second-hand, unless the authorities are, comparatively speaking, judicious. The books which Mr. Ingram cites as references for abolition belong, all save one, to the controversial literature of the abolition school. Different from the questions presented by the slavery of antiquity, and by serfdom, the question before the people in the states where there were many slaves was very largely a racial one. Selfishness certainly blinded many men, and pride and resentment at what was regarded as impertinent interference of abolitionists certainly influenced all, but the leading question to the good men and good masters, who were in a great majority, and who saw their servants well cared for and happy, was what would be the future both of the blacks and of the community, were slavery abolished. The student of slavery, in picturing it, ought to be able to-day to put himself, for a time, in the place of the conscientious Southern planter. After doing so, he will probably rejoice none the less that slavery is abolished, but he will hardly express himself as Mr. Ingram has, for example, in saying that "The Christian churches in the slave states scandalously violated their most sacred duty" in advocating the maintenance of slavery, etc. And to-day, too, there may be thrown back on the subject the light which comes from the years of Reconstruction, from the results of the grants of freedom and citizenship to the African race.

JEFFREY R. BRACKETT.

Adoption and Amendment of Constitutions in Europe and America.

By CHARLES BORGEAUD. Translated by Charles D. Hazen, Professor of History in Smith College. With an introduction by John M. Vincent, Associate of the Johns Hopkins University. (New York and London: Macmillan and Co. 1895. Pp. xxi, 353.)

MR. BORGEAUD is one of the few European students of political science who understand that the tendency of modern institutional forces is most clearly revealed in the New World. Europe, America, South Africa, Australia—whatever lands, in short, the Aryan man has acquired—all exhibit the same social phenomena. The civilized world is one. But the historic conditions have been such that the English-speaking parts of America have been able to work out those political ideas which we are apt to call modern both at an earlier date and in more logical form than

has been possible in other lands. This truth Mr. Borgeaud grasps, and his book is in fact, if not in form, a development of this theme.

The dominant social fact of the nineteenth century we should probably say is democracy. And the progress of political democracy implies merely the increasing transfer of sovereignty from smaller to larger classes in the community. In this process, historic governments have been destroyed, and new ones have been created. Governments, to be sure, are merely the agencies of sovereignty. But the new sovereign, the people, has learned that whoever controls the government is really the sovereign, and that it is quite easy for sovereignty to slip away from its owner into the hands of those who are meant to be merely its trustees. Hence in reconstructing political institutions it has not been enough to devise a new frame of government. It has been necessary, also, to provide adequate guarantees for the people against their agents, and, above all, to preserve to the people such a control over their government as may enable them at any time to alter or abolish it at will. And the progress of any nation in political institutions may almost exactly be marked by the perfection with which these several ends are attained in the organic law. More than a hundred years ago the Americans set out to solve the problem by means of carefully drafted written constitutions. The way had been paved for these by the royal charters which had been granted to the various colonies, so that it was easy for the colonies, when they had discarded the crown, to take the next step and draw up their own charters. The French followed the Americans in their methods, and the French Revolution, permeating nearly all Europe, led to a long series of written constitutions.

In all these the mode provided for constitutional revision shows plainly enough where sovereignty lies. And the more or less complete control which the people have over the process shows how far democracy has progressed. The American organic law is, in all respects, the most fully developed. The American idea is that the people are sovereign, and that a valid constitutional change implies a more or less direct expression of the popular will. This is secured in the states of the Union by a direct vote of the people. Nowhere does Mr. Borgeaud more plainly evince his comprehension of the American system than in his luminous treatment of the states.

The French idea is to delegate change in the organic law as well as in ordinary law to the usual legislative body without reference to the people. This is hardly in accord with the real French theory of popular sovereignty, and seems likely to be a temporary device. In fact, the present French constitution was made by a legislature chosen for quite a different purpose, and it has never received the direct assent of the people.

In the Germanic group of states, the constitution has been made a sort of compact between crown and people, and each has a voice in revision. Here it is plain that democracy is incomplete, and wherever a constitution is a royal charter, a mere grant from the benevolence of

the crown, it is clear enough that in theory, at least, democracy exists only by sufferance.

Mr. Borgeaud has grouped these various classes of constitutions very clearly. His book is a distinct contribution to a comprehension of the meaning and tendencies of modern political science, and he has more wisely handled the whole subject historically. A mere political anatomy is quite as lifeless as any other skeleton of dry bones. Professor Hazen's work, on the whole, has been done with spirit and accuracy. Here and there in the process of translation, back and forth, as might be expected, an occasional odd expression has crept in. Thus on page 153 the lower house of the New York legislature is called the "House of Representatives," instead of the "Assembly." And on pages 153-158 the "Council of Revision" which was provided in the first constitution of the Empire State is called by the peculiarly infelicitous name of "Committee of Amendments." "Whomsoever," on page 189, and "firstly," on page 190, are words which, as a mere matter of English, themselves need a council of revision.

HARRY PRATT JUDSON.

White Servitude in the Colony of Virginia. By JAMES CURTIS BALLAGH, A.B. [Johns Hopkins University Studies in Historical and Political Science, 13th series, VI.-VII.] (Baltimore: The Johns Hopkins Press. 1895. Pp. 99.)

THE comprehensive, historic spirit which pervades this pamphlet entitles it to a candid consideration. I think it may be stated with truth that it is the first account approaching completeness of the subject of which it treats. Having pursued a similar line of investigation, I am glad to give the labors of Mr. Ballagh a warm personal endorsement. Some objection attaches, perhaps, to the title he employs; I think "service" is the proper word, and not "servitude," which is only another word for slavery. In most cases the service was based on consent, and Mr. Ballagh himself shows that the law bore harder on the workman in England than in Virginia. Indeed, the Rev. Hugh Jones (1724) asserted this fortunate condition of even the negroes.

The social equality among freemen in Virginia could never have been possible had the idea of slavery once attached to the white laborer afterwards made free. Everybody in the seventeenth century, except the king, was a *servant* in a certain way and, therefore, the term was no reproach. The word "slave" not only described a condition, but conveyed disgrace. It was common to apply the term "servant" to all medical and other apprentices, to all secretaries, factors, and agents, and to all employés in general. "Your obedient, humble servant" is still the language between equals. Theoretically, the severe laws mentioned by Mr. Ballagh, as regulating service in Virginia, applied to all servants, but in the same way now the law punishing murder applies to every person in the

United States. It was the wicked servant who felt the law then, just as it is the wicked person who feels the law now. The heavy expense of transporting a servant made it necessary to secure the master by severe penalties in the enjoyment of his property. There is still another fact explaining the social equality of the whites which Mr. Ballagh does not make conspicuous. Special research in the genealogies of Virginia families shows that while the majority of the servants were, doubtless, of humble rank, many who came over as servants were of "ancient houses"; some born to £1000 a year, and others, brothers and sons of knights and gentlemen who preferred temporary service in Virginia to living in England. Their family pedigrees were often registered in the College of Heralds, in England.

Again, Mr. Ballagh might have dwelt a little more upon another fact which had a great influence on Virginia society,—I mean the free character of the suffrage. The servant stepped at once from service into the arena of political activity. Mr. Ballagh shows that there was never any caste in Virginia, as absurdly declared in some quarters. The laws recognized no distinction among white freemen, and long before 1861 the very memory of servants' indentures had died out in Virginia. The poorest white man had to be socially recognized as "Mr." and there were no white menials as in the North. About the time of the Revolution the plain, middle class constituted more than half the population, as Mr. Ballagh remarks. The real poor whites were, during the eighteenth century, fewer in Virginia, according to Beverley and other writers, than "in any other country in the world." And despite the observation of the "contemporary writer," whom Mr. Ballagh quotes, I am quite sure that even this small poor white class were quite as good as people in a similar station anywhere.

To describe them as a "seculum of overseers," unprincipled and depraved, as Mr. Ballagh's authority does, is unhistoric. The observation of the contemporary writer to whom he refers was made at a time *when* the slave-owners were beginning to recoil under the reproach of slavery. The slave-owners were glad of the opportunity to shift to the overseers the blame of the harsher features of the administration of slavery. But *the* fact remains that the proprietors could not afford to employ, in the management of the plantations, other than honest and upright men. The overseer, it is true, was generally a man living on a salary, but he was *by no means* among the poorest of society. He generally had a fair education, and in later days was often of the family of the slave-owners. It *cannot* be denied that some of the overseers abused their power, and were *harsh* and even cruel, but unprincipled men are found the world over. We know that John Adams declared that in Massachusetts the fishermen were "more degraded than slaves." Col. Hudson Muse, of Virginia, drew a startling picture of the poverty of that class under the eaves of Harvard College, while Gerry grumbled that the worst order of men *found* their way to the Legislature of Massachusetts. This proves

nothing against the society of New England, or against the salient fact that the majority of the people of Massachusetts of all classes, like the people of Virginia, were virtuous, independent, and respectable.

In conclusion, I heartily recommend Mr. Ballagh's paper to all who are interested in the true history of our institutions. It is a model paper, because Mr. Ballagh has only sought to state the truth. It is an able paper, because he has very nearly stated the whole truth.

LYON G. TYLER.

The Marquis de La Fayette in the American Revolution, with Some Account of the Attitude of France toward the War of Independence. By CHARLEMAGNE TOWER, JR., LL.D. (Philadelphia: J. B. Lippincott Company. 1895. Two vols., pp. xi, 494, 537.)

To thousands who possess little acquaintance with the history of the French alliance, the name of La Fayette recalls one of the most familiar and romantic episodes of the war of the American Revolution. Yet Mr. Tower is quite right in saying that "France would have participated in the American Revolution if La Fayette had never existed." His conjecture that La Fayette would probably "have come to America if France had never declared war in our favor," is more open to doubt. The decision of France to espouse the cause of the colonists was in no respect determined by the course of La Fayette. But, though he came to America long before France decided to declare war, his coming is, to a certain extent, to be ascribed to the same causes that led France to take that step. He did not abandon his character as a Frenchman, and he remained a Frenchman to the end.

Nevertheless, the narrative presented in these volumes justifies the popular appreciation of La Fayette's character and motives, and of the value, if not of the precise nature, of his services. From the general mass of foreigners who sought employment in the American army, La Fayette is distinguished by the extent of what he gave, and the smallness of what he demanded. He was not devoid of ambition. Like a true Frenchman, he loved glory, and, as Jefferson said, he had a strong appetite for applause. But, while no mercenary motive entered into his conduct, he was also less governed than were most of his countrymen by the spirit of revenge. Though he was loyal to his king, he was sincerely attached to the principles of liberty. "What delights me most," he writes, immediately after his arrival in America, "is, that all the citizens are brothers." He expatiates upon the "simplicity of manners," the "love of country and of liberty," and the "pleasing equality," which he found among the people.

La Fayette came to America with the idea of helping to found a new state upon the principles of a liberal political and social philosophy. Yet, in estimating his conduct in disregarding the injunction of his king, and the opposition of his family, we must not lose sight of the fact that

he was sensible of and fully shared the general feelings of the French nation towards England. Mr. Tower is justified in saying that Kapp's statement is not historically correct, when the latter declares that what was true of Kalb was equally true of La Fayette, since they travelled together, and that, because the French government connived at the "escape" of Kalb, it must also have connived at the escape of La Fayette. The positions of the two men, and their relations to the French government, were very different; and the course of La Fayette occasioned embarrassments which nothing in the case of Kalb could have produced. But, on the other hand, it is easy to invest with too much importance the opposition of the French government to La Fayette's departure. So far as opposition was manifested, it was dictated, as Mr. Tower says, wholly by motives of policy. This fact La Fayette must have understood, and he could scarcely have imagined that he would incur by his conduct the permanent displeasure of the king, much less of the government. The injunctions of the government were constantly disregarded by those against whom they were uttered. Indeed, at the moment when the government was issuing "secret" instructions to its official agents to prevent the shipment of arms and munitions of war to America, it was furnishing such arms and munitions from its own arsenals for that purpose, and was secretly advising the American commissioners that the instructions might be evaded; and, after the departure of La Fayette, when there was every motive for preserving appearances, it virtually connived at the use by American privateers of French ports as a base of operations against British commerce, in flagrant violation of the treaties with England, the provisions of which, as Vergennes assured the American commissioners, the principles of the king required him scrupulously to observe.

But, however much La Fayette may have shared the general feelings of his countrymen towards England, his conduct from the moment of his first arrival in America exhibits a loftiness of purpose and a heartiness of endeavor which nothing but thorough sympathy with the motives of the struggle for independence could have produced. It was because of this sympathy, and of his immediate and thorough conformity to the conditions in which he found himself, that he was able, when the alliance between the United States and France was effected, to play the part of an intermediary between the two governments and their armed forces. In the discharge of this delicate and difficult function, even more than in his military services, lay the value of La Fayette's aid to the American cause. The alliance was, in many respects, an unnatural one. No government could have had less sympathy than that of France with the principles of the American Declaration of Independence. On the other hand, the English colonists in America shared, to the full extent, the national antipathy to the French, and they had, as British subjects, borne a conspicuously successful part in bringing about the conditions which France had found to be insupportable. Under these circumstances, there was often an urgent demand for the healing and persuasive influences of

those whose sympathies and experience were broad enough to enable them to play a mediatorial part.

It was, doubtless, with a view to exhibit this aspect of the matter that the author of the present work has devoted so much of his narrative to an account of the attitude of France towards the War of Independence. Whilst it will never be possible to supplant the magnificent work of Doniol as a history of the participation of France in the establishment of the independence of the United States, Mr. Tower has written a full and clear narrative of the alliance which will be read by many who would be daunted by Doniol's massive tomes, and which may also serve as an aid to those who desire to examine them. Sometimes, indeed, we seem almost to lose sight of La Fayette in the abundance of historical details. But this is a matter of proportion on which it is unnecessary to place great emphasis, since it has not resulted in any neglect of facts which are strictly relevant to the author's principal subject.

Mr. Tower properly assigns an important place to La Fayette's visit to France after his first period of service in America. The failure of the expedition of d'Estaing, and the consequent disappointment felt in both countries over the first-fruits of the alliance, called for the employment of good offices, which no one was so well fitted as La Fayette to afford. In this emergency Congress exhibited its sense of La Fayette's value not only by expressing appreciation of what he had already done, but also by investing him with extensive representative functions. America at this time stood in sore need of assistance, and it was within the power of La Fayette materially to contribute to obtaining it. When "he turned his face once more toward America," a new expedition "was assured, and the measures for its equipment were systematically undertaken"; and in securing the adoption of this measure La Fayette exerted an important, if not a decisive, influence.

Nor should we omit to notice the picture presented of La Fayette's relations to Washington—relations which were characterized on the part of the latter by a paternal confidence, and on the part of La Fayette by an unvarying loyalty. Indeed, they well illustrate La Fayette's constant attitude toward the American cause, from his first presentation to Congress to the surrender at Yorktown.

On the whole it may be said that Mr. Tower has produced a work which forms a worthy memorial of the interesting subject to which it relates.

JOHN BASSETT MOORE.

The French in America during the War of Independence of the United States, 1777-1783. A translation by Thomas Willing Balch, of *Les Français en Amérique pendant la Guerre de l'Indépendance des États-Unis*, par THOMAS BALCH. (Philadelphia: Porter and Coates. 1891, 1895. Two vols., pp. xv, 243,

iv, 252. Vol. II. translated by Edwin Swift Balch and Elise Willing Balch.)

MR. THOMAS BALCH, whose wide acquaintance with the French language and literature gave him the necessary equipment for an historical study of this character, began some thirty years ago an examination of the documents relating to the French expeditions during our Revolution. A long residence in France, where his social relations opened exceptional opportunities, enabled him to collect the material from which has issued the book now before us.

Mr. Balch published the first volume of his work in the French language, at Paris, in the year 1872, at which time he promised soon to follow it with the second volume, the manuscript of which was then finished. He announced that he had received whilst his book was in the press so many interesting communications which he desired to add to the second volume, that he found himself obliged to withhold the latter for a limited time, in order that the text might be amended and improved. He did not live, however, to carry out his purpose.

The first volume was translated into English and published at Philadelphia, by his son, Mr. Thomas Willing Balch, in 1891; and now we have a new edition, published also at Philadelphia, to which the second volume has been added, from a translation of their father's original manuscript, by Mr. Edwin Swift Balch and Miss Elise Willing Balch.

The purpose of the author was, to present in his first volume the causes and the origin of the war, to sum up the events relating to it which occurred up to and including the year 1781, and to give a complete account of the French forces under General de Rochambeau as far as 1783. His second volume was intended to contain historical accounts of the French regiments which served in America; biographical notices of the French officers who fought on land and sea for the independence of the United States; and several episodes and details relating to American society at that period, taken from unpublished manuscripts and original letters to which Mr. Balch had access in France.

As a result, he has collected a mass of valuable material pertaining to his subject which heretofore has been scattered through the pages of various memoirs, biographical notices, and unpublished correspondence, and he has made of it a connected narrative which contains more detailed information in regard especially to the detachment of Rochambeau than is to be found in any single work which we possess. He has been particularly fortunate in obtaining copies of some unpublished journals of officers who served in the American War, and in examining others which he did not copy; and it is to be regretted that he has not edited and published some of these documents as a valuable addition to our fund of historical detail of that period. Students of American history would welcome such a contribution if either of the Messrs. Balch or Miss Elise Balch should undertake that task with the aid of their father's papers.

The opening chapters of Mr. Balch's work suggest a foreign rather than an American audience. As it was published in French, to be read by Frenchmen, it furnishes, not unreasonably, an amount of early colonial history which he would probably not have thought it necessary to introduce if he had intended his volumes merely for his own countrymen.

From the author's discussion of the causes of the war, a foreigner unfamiliar with the subject of the American Revolution might receive somewhat too strongly the impression that the contest with the mother-country was based mainly upon questions of religious thought and principle. Taken in its proper meaning, however, the author's argument that the development of freedom in religious thought prepared the way naturally for the growth of political liberty, presents the situation as it was and will meet with the assent of students of philosophy.

In tracing the causes which led to the participation of France in the American Revolution, Mr. Balch points out very justly that it was hatred of England, the smarting of unhealed wounds received in the Seven Years' War, rather than a natural sympathy with the colonists in their uprising against the sovereign, which arrayed our allies upon our side in the conflict. He recalls the prophecy of the Duc de Choiseul, years before the Declaration of Independence, that an American revolution certainly would come, though possibly those then living might not see it; and that its force would reduce England to a state of weakness in which she would no longer be an object of fear. This remarkable prediction of the minister of Louis XV. expressed the most cherished hope of all Frenchmen; it marked the starting-point of the interest which the government of France took in the struggle of the remote colonies upon the continent of North America. The thought that England might be made to suffer the loss of prestige, the privation of her colonies, and the humiliation of defeat which she had inflicted upon her neighbors across the Channel, inspired the nation with a feeling that, for such a triumph, no sacrifice could be too great. This led to the secret missions of Bonvouloir and de Kalb to test the colonial sentiment upon the first intimation of discontent in America; it opened the doors in France, later, to Silas Deane, when actual hostilities had broken forth; and it welcomed Benjamin Franklin, to clothe him with honor as the representative of an independent and sovereign people.

Mr. Balch has followed these incidents with fidelity, and with sufficient detail to illustrate his narrative, through the various stages of international friendship which ended in the Alliance, offensive and defensive, in 1778. He has gone somewhat too far, however, in declaring that the treaty upon which the Alliance was based "should be attributed in a great degree to the impulse that La Fayette had given to public opinion in France, and to the change of ideas that had been produced in men's minds in consequence of his favorable reports respecting the Americans." This was believed for a long period, indeed, even in France; though the fact is that the influence which La Fayette exerted in the councils of the King's Cabinet, and which had so potent an effect upon the subsequent policy of the Comte de Ver-

gennes, was not felt at all as early as the beginning of the year 1778, when the treaty was signed. We know now that the intervention of France in the American War would have taken place at all events, precisely as it did, if La Fayette had never existed. But it is fair to say that the publication by the French government of the documents in its archives relating to this subject, by means of which we are enabled to make this positive assertion, has taken place since Mr. Balch wrote his book.

It is in connection with the narrative which describes the expedition sent from France under the Comte de Rochambeau, in 1780, that Mr. Balch has presented the most valuable historical material in his book. He has not only followed that detachment through all its movements, down to the capture of Yorktown, but he has made a careful record of the different regiments which composed it, of the officers who commanded in them, and of the rank held respectively by these. He has also enumerated the ships of war which made up the fleet accompanying Rochambeau's expedition, and has given us the number of guns which each carried, as well as the names of the commanding officers. From this point of view *The French in America* is sure to become a useful hand-book to students of history who seek detailed information in regard especially to the military operations in the United States during the years 1780 and 1781. It would have added greatly to the value of the work if Mr. Balch had written in the same manner an account of the expedition of the Comte d'Estaing, engaged in the operations at Newport in 1778, which he barely mentions.

Mr. Balch's second volume is a catalogue of French officers. It bears unmistakable traces of industry and much careful research in the collection of names and in the short biographical descriptions attached to them, of which its pages are made up. The author has sought to include in it every French officer whose name he found mentioned in the many different narratives and notices of the war which have appeared not only in France but elsewhere. He does not confine himself in this case to the command of General de Rochambeau, but he has added, besides the name of the Comte d'Estaing, those of many Frenchmen who, like La Fayette, were serving in the Continental Army as American officers under commissions from Congress; and he has even opened the lines to admit several foreigners who are not properly to be found under the heading given to his list; as, for example, Pulaski, Steuben, and Kosciusko.

CHARLEMAGNE TOWER, JR.

Cases on Constitutional Law, with notes. By JAMES BRADLEY THAYER, LL. D., Weld Professor of Law at Harvard University. (Cambridge: Charles W. Sever. 1894, 1895. Two vols., pp. lii, 2434.)

THE increasing attention which is being given in all our American law schools to the study of cases actually decided in court has given birth to a new species of legal literature. The process has been one of evolution.

At first, volumes were printed consisting only of a selection of decided cases on particular topics, with nothing to indicate the points determined in each, which could serve to connect one with another. Such compilations were valueless, except for the use of law students in connection with lectures, or other recitations. The more modern method is to introduce each case or group of cases with some general explanation of its subject, and perhaps to preface each with a brief syllabus of its contents.

In Professor Thayer's *Cases on Constitutional Law*, this intercalated matter occupies a considerable part of the work, and gives it a distinctive character. It has been his aim to lead the student to a consideration of the causes of things, and the circumstances out of which the leading decisions, which he gives, grew and took shape. His subject naturally directed his attention particularly to the various determinations of the Supreme Court of the United States upon controverted questions of a public nature, and also to the manner in which the disputed terms, whose meaning they have been called upon to declare, came into the text of the Constitution. The character of the book, therefore, is largely historical.

Every judicial decision of a court of last resort is, in a sense, part of the history of the community in which it sits to administer justice. It is a step in the development of its jurisprudence, and so of its institutions. But where the tribunal is called upon to pronounce upon questions of public government and fundamental law, its words become so distinctly of historical importance that any competent review of such decisions is necessarily a substantial contribution to the better knowledge of the politics of the times.

Professor Thayer has not limited the cases, to which he introduces the student, to those found in the ordinary volumes of judicial reports. One of those, for instance, to which he gives a well-merited prominence is that of *Winthrop v. Lechmere*, the materials being gathered mainly from the Collections of the Connecticut and Massachusetts Historical Societies. Connecticut, it will be recollected, by an early statute discarded the English system of primogeniture and provided for the distribution of estates, where no will was left, among all the children of the decedent, reserving to the eldest son only a double portion, in accordance with the Mosaic law. Chief Justice Winthrop of Massachusetts, a large landowner in Connecticut, died intestate early in the last century, and his eldest son claimed the succession by right of English law. The Superior Court of Connecticut pronounced against his claim, and the General Assembly, when appealed to for relief, declined to interfere. Winthrop threatened to bring the matter before the King in Council, and was at once arrested for contempt. He was as good as his word, however, and his appeal was soon brought before the Lords of the Committee for hearing Appeals from the Plantations, by whose decree the colonial statute was pronounced unwarranted by charter and contrary to the laws of England. In the late Mr. Coxe's learned treatise on the Judicial Power, he treats the royal decree, confirming or announcing this decision, as in substance a repeal of

the statute ; but Professor Thayer points out that it was rather, as Winthrop afterwards contended, only an adjudication that the statute was never law, because contrary to the fundamental law of the realm.

The second chapter, on the American fashion of making and altering constitutions, is one of particular value. The origin of the plan of providing for necessary amendments, not by a special convention of the sovereign people, as was the original method, but by a *referendum*, at the instance of the legislature, Professor Thayer concurs with Borgeaud, in his *L'Établissement et la Révision des Constitutions aux États-Unis d'Amérique*, in attributing to the Connecticut Constitution of 1818. The colony of Connecticut, however, may fairly claim to have put this mode of procedure into form, and into practical use, a century and a half before. Its Eleven Fundamental Orders of 1638-1639 were in effect a constitution. They forbade the immediate re-election of the governor for a second term. In consequence of this, it became the custom to elect the governor of one year to be the deputy governor for the next, and *vice versa*. As the first term of Gov. John Winthrop, Jr., however, neared its close, the General Assembly proposed to the freemen of the colony to remove this restriction on re-eligibility, and ordered the secretary to insert the proposition in his next warrant for the choice of representatives, and to call for a popular vote upon it. This was accordingly had, and resulted in carrying the amendment, restoring for the future a "liberty of free choice yearly."¹

The *Dred Scott* case is made the subject of a very interesting note, in which the statements of Justices Campbell and Nelson, in regard to the points really decided, are contrasted with those made by the late George Ticknor Curtis, in his life of his brother, Justice Curtis ; and the position is taken that the opinion delivered by Chief Justice Taney, in which was contained the much misquoted phrase as to the general opinion in the past on the part of the civilized world, as expressed by their conduct, that negroes had no rights that white men were bound to respect, was in fact the opinion of the chief justice alone, and not of the court.

The topic of Eminent Domain is treated in the sixth chapter with great fulness and learning. Grotius had declared that while the sovereign power could use or destroy any private property for purposes of public utility, it was bound to make good the owner's loss. Bynkershoek was inclined to make the rule of compensation broad enough to include all losses suffered by private individuals for the public good. Our American constitutions first gave a legal sanction, where there had before been simply moral limitations.

But for such a legal sanction, a statute seizing upon private property for public use, and making no provision for compensation, could, Professor Thayer holds, afford no ground for the interposition of the courts. But what is public use? Is it the service of public pleasure? Must, he asks, quoting from Bynkershoek, a subject submit to the loss of his property for

¹ *Papers of the New Haven Colony Historical Society*, Vol. V., p. 182.

the æsthetic gratification of the people or for public decoration, alone? The case of *Kingman v. Brockton*, 153 Mass. Rep. 256, is cited in favor of an affirmative answer, provided public and not private gain is the real motive for the appropriation.

Chapter VII., in which 'Taxation is discussed, takes up the vexed question of the meaning of "direct tax" in American constitutional law. The author agrees with Professor Dunbar, from whom he quotes at length, in holding that we derived the term from the French economists of the last century. Its coming from that source was touched upon by Alexander Hamilton, in his brief in the famous carriage-tax case of *Hylton v. the United States*, in 1796. The "physiocrats" of the French school, whose principles formed the basis of the French Revolution, held that agriculture was the only productive employment. The net products of land, in other words, constituted the only fund from which taxes could be drawn, without impoverishing society. Taxes laid on land, therefore, struck directly to the source of supply. If other taxes were laid on other subjects or on other occupations than those of the farmer, they all ultimately fell back on the landowner. Quesnay, Mercier de la Rivière, Turgot, and Condorcet were never weary of preaching these doctrines. Their distinction between direct and indirect taxation was in the directness or indirectness of the incidence of the tax on a single class of persons. Did it touch the landowner, as such, directly? It was a direct tax. Did it touch anything else first? It was an indirect tax.

The physiocrats were not exactly agreed as to what tax was in the strictest sense direct. There were those who denied that any tax on persons was such. Others contended, with more reason, that if a person was taxed *qua* landowner, or land-worker, the burden was properly termed a direct one. Turgot put it thus, in speaking of forms of taxation : —

" Il n'y en a que trois possibles : —

" La directe sur les fonds.

" La directe sur les personnes, qui devient un impôt sur l'exploitation.

" L'imposition indirecte, ou sur les consommations."

" And in the fragment which we have of his *Comparaison de l'Impôt sur le Revenu des Propriétaires et de l'Impôt sur les Consommations*, a memoir prepared for the use of Franklin, a careful analysis of the same purport is made, although the point of formal classification is not reached. Of all writers upon economics in 1787, Turgot was perhaps the one most likely to have the ear of American readers ; and, of Americans, Gouverneur Morris and James Wilson were as likely as any to give him their attention. The former had already formed that familiar acquaintance with French literature and politics which made his singular career in Paris possible a few years later, and Wilson had been from 1779 to 1783 accredited as advocate-general of the French nation in the United States. There was, then, an easy and a probable French source for the meaning which they both attached to the phrase introduced by Morris.

" It is to be observed, also, that there were some well-known precedents for levying by apportionment such taxes as those which Morris and Wilson probably had in mind. The French *taille réelle*, a tax on the income of

real property, was laid by apportioning a fixed sum among the provinces and requiring from each its quota, as has been the practice in levying its substitute, the *impôt foncier*, ever since 1790. The *capitation* was also levied in France, before the Revolution, in the same manner. The English land tax, established under William III., had for ninety years presented an example of apportionment among counties and other subdivisions, leaving the rate for each locality to be settled at the point necessary to give the due quota. Other contemporary examples could easily be cited, but these are enough for the present purpose, being necessarily familiar in this country in 1787, and likely to have a strong influence."

We have quoted this passage at length (originally found in Professor Dunbar's article on the "Direct Tax of 1861," published in 1889, *Quart. Jour. Econ.*, III. 436), on account of the strong light which it throws on the discussion regarding the constitutionality of the recent income tax law. From the opinion given by Chief Justice Fuller, in the case involving that question, and deciding it adversely to the government, it would appear that the Supreme Court of the United States took a different view from that of Professors Dunbar and Thayer, and attributed the origin of the term to English soil. The validity of the tax really depended on this question of the historical derivation of a term of political economy. Nothing can illustrate more forcibly the close relations between law and history, amounting often to absolute dependence. Nothing can point more clearly to the necessity of studying law from the historical standpoint, and by historical methods.

Professor Thayer's work, aside from the selection of the cases to be printed, which is made with care and discrimination, is largely, we are almost inclined to say too largely, a mere compilation of authorities. His collection of *Cases on Evidence* was enriched by numerous discussions of the subject in hand from his own pen, many of them taken from occasional articles which he had previously contributed to the *Harvard Law Review*. In the present work, this plan is occasionally, but rarely, followed. Had the book contained more original matter, its value to the student would have been much enhanced. It has now almost too much of a judicial tone. The claims on either side of a disputed question are fairly stated, in case or comment, but then the cause is generally left to the determination of the reader, as if he were to render the verdict, unaided by the opinion of the author. He styles himself, indeed, in his notes, as simply an editor. The conditions of his task, writing as he did as a law teacher for law students, perhaps necessarily imposed a certain reserve. The general reader can only regret that the scope of the work did not permit it to disclose more of the author himself. Whatever Professor Thayer says is well said, and few know as well the full uses of the lessons of history.

SIMEON E. BALDWIN.

The American Congress: a History of National Legislation and Political Events, 1774-1895. By JOSEPH WEST MOORE. (New York: Harper and Brothers. 1895. Pp. xii, 581.)

It is Mr. Moore's purpose, he tells us, "to give, in a concise and popular form, a clear, interesting, and valuable account of the legislative and political affairs of the American people, from the colonial period to the present time." By this he means, of course, to describe only national legislation; with an occasional side glance at local politics in so far only as they are closely related to those of the nation. And he specially informs us that, as the work is intended for the general reader, he has thought proper "to give greater attention to the narration and discussion of events than to their philosophy," although we do not understand why there could not have been a judicious combination of both methods of treatment without lessening the usefulness of the work.

The task Mr. Moore has set himself is a great one, and he has accomplished it, for the most part, in a clear and not uninteresting manner, but of its value we must speak reservedly. There is so much to be said about Congress and its doings, that, if one wishes to confine his narrative to a single volume, however large, he can ill afford to give even a page to the history of the discovery and settlement of North America. Yet Mr. Moore begins at the beginning, and then follows on with a hasty and incomplete review of early colonial, and the Albany and Stamp Act Congresses. Not until he reaches the Continental Congress does the main work really commence, and from that time on he discusses events in a sort of chronological order down to the present day. Some of the chief acts of the Revolutionary Congress are noted, and the pages are here and there enlivened by character sketches of some of the more famous members, by descriptions of the towns and buildings in which they met, and of such events as the appointment of Washington to command of the army, and his resignation at Annapolis. A whole chapter, and rightly, is given to narrating the discussion over the adoption of the Declaration of Independence. But the 3d and 4th of July were by no means entirely given up to the Declaration as Mr. Moore says (page 62), for the British were far too active in the vicinity of New York to permit even the Declaration to draw attention from the inadequacy of the army. And there is no longer any doubt that when Jefferson wrote that the Declaration was signed on the 4th "by every member present, except Mr. Dickinson," his memory played him a trick. Far better would it have been to omit some of the petty details and anecdotes which Mr. Moore includes and give instead some idea of how the Declaration was understood by the people, or explain to a present-day audience the meaning of the counts in the indictment against the king.

Much less satisfactory is the treatment of the debates on the Articles of Confederation. No mention is made of Franklin's draught, and to say that the Articles were discussed from April, 1777, on, "whenever there

were no war measures pending," is a careless form of statement, to say the least. But other omissions are far more serious. We are not told how the members voted; nor anything of their other methods of procedure; nor what they were empowered to do by the conventions or legislatures which sent them; nor how, placed at the head of American affairs, they gradually assumed a control over the military operations of all the colonies, and soon came to exercise an authority that many of them had certainly never dreamed of. We learn nothing from these pages of the assumption of sovereign jurisdiction: of the absolute regulation of foreign affairs, of the disarming of Tories, of the issuance of letters of marque and reprisal, of the opening of the ports to trade, and so on through the list. Mention is made, it is true, of the emission of bills of credit, but not a word is given to its importance as a sovereign act, nor much of a satisfying nature concerning the extensive financial difficulties and disorders. It is thus impossible, from a perusal of these earlier chapters, to trace the steps by which a perfected constitution was, in the end, made necessary.

We have dwelt thus long on that portion of the book devoted to the Continental Congress because it serves as well as any other to illustrate its shortcomings; for the remainder is almost of a piece with this. Much is said of the United States Bank, and of slavery, and the tariff, but they are most inadequately treated, and we find no just conception of their influence in shaping political parties. The best portions of the book are those which deal with what might be called the picturesque side of Congress, and the last chapter, which tells of "present methods."

HERBERT FRIEDENWALD.

Life of General Thomas Pinckney. By his grandson, Rev. CHARLES COTESWORTH PINCKNEY, D.D., President of the South Carolina Historical Society. (Boston and New York: Houghton, Mifflin and Company. 1895. Pp. 237.)

THOMAS PINCKNEY was, unless we except his brother Charles Cotesworth Pinckney, the most distinguished member of a family which has always held a prominent place in South Carolina. He was born in 1750, and his death in 1828 closed a career characterized by ability, discretion, and a high ideal of political duty. He served as an officer in the Revolution, and as a general in the War of 1812. He was governor of South Carolina from 1787 to 1789, and presided over the convention which ratified the Federal Constitution. He was, for four years, American minister to Great Britain, was the Federalist candidate for Vice-President in 1796, and served two terms as a member of Congress. He also performed the important and delicate task of negotiating the treaty of 1795 with Spain. The brief biography by his grandson gives an intelligent account of Mr. Pinckney's public services, and a pleasing picture of his private life. In general, the volume follows the beaten track,—except

in its lack of an index,—and the extracts from family correspondence and papers do not add materially to our knowledge of the period. Too much attention is given to episodes in which Mr. Pinckney took no part, such as the mission of his brother to France in 1797, while no reference is made to those phases of state politics upon which his career might be expected to throw some light, as, for example, the important problem of the history of the Federalist party in South Carolina. An unpleasant feature of the book is the frequent reference to the Civil War and the note of contrast between North and South. If it is too soon to expect an unprejudiced attitude toward recent events, we may at least demand that our early history be approached without partisan or sectional bias.

CHARLES H. HASKINS.

Chronicles of Border Warfare; or, a History of the Settlement by the Whites of Northwestern Virginia and of the Indian Wars and Massacres in that Section of the State, with Reflections, Anecdotes, &c. By ALEXANDER SCOTT WITHERS. A new edition, edited and annotated by Reuben Gold Thwaites, Secretary of the Wisconsin Historical Society. With the addition of a Memoir of the Author and several Illustrative Notes by the late Lyman Copeland Draper. (Cincinnati: The Robert Clarke Company. 1895. Pp. xx, 447.)

NOT only the people of the Mississippi valley, but all of our historians who take an interest in the growth of the American people, westward, are under a debt of gratitude to the Robert Clarke Company, of Cincinnati, for their long series of publications on Western history. Some of these publications have represented original work and research put into the form of a monograph of some Western hero, or of an exhaustive treatise on some event of special importance in early Western history. In other cases, the book has been the reproduction of some valuable old publication, which is out of print, and accessible to very few scholars. The book before us comes under the latter head.

Withers' *Chronicles* is one of the number of books which have a great value because they preserve the traditions of the border about the Indian fighting of the second half of the eighteenth century in the West. They tell what the settlers themselves thought of the deeds done by the rough backwoodsman of the Alleghanys and the Upper Ohio in the ceaseless warfare of the white man against the red; they contain valuable side-lights on the ways of life and the habits of thought of the backwoodsmen; but, as a record of facts, each of them must be used with extreme caution.

Withers, like De Haas and Doddridge, both of whom covered much of the ground that he did, gathered some of his material from the pioneers themselves in their old age; but more often he adopted what the children of the pioneers told him, or what their successors reported as having been

done. Thus, what he relied on was really little more than family or local tradition. All these compilers quote one another without giving any credit for their quotations; so that the mere fact that they all tell a certain story does not make the story true. It is now quite impossible to say exactly which of their stories are true and which are false. Some of the more striking incidents, however, were undoubtedly preserved by tradition in the shape in which they occurred. Other incidents were so altered as to be unrecognizable by any seeker after truth. Yet others were recorded accurately enough as to the essential facts; but with much confusion of names and dates. A good illustration of the latter class is afforded by that account of one of the sieges of Wheeling, reported in all the border annal books, which tells how the garrison got out of powder, and how a girl brought in a supply, under circumstances of considerable heroism. All the traditions agree about this; but the conflicting claims as to who the girl was are absolutely irreconcilable.

Rather curiously these border annalists are more trustworthy when they deal with small events than when they deal with the larger facts of Western history. They know the traditions of their neighborhood well; but in more important matters tradition proves a poor guide. Withers, for instance, can often be trusted as to the circumstances attending the attack on some particular log hut, or the feats of prowess, on some one occasion, of a given backwoodsman. But his account of St. Clair's defeat is valueless, and is followed by what is probably the wildest fabrication to be found in any book of border annals. He states that an expedition of the mounted volunteers of Kentucky avenged St. Clair's defeat by attacking the victorious Indians as they were camped on the scene of the battle, killing two hundred, putting to flight the rest, and recapturing the cannon. No such expedition took place, no such fight was fought, not an Indian was killed, and not a gun captured, as described.

However, in spite of some looseness in matters of fact, the book has great value, and must be consulted by every student of early Western history. Mr. Reuben Gold Thwaites is an ideal editor for such a work; a trained student and scholar,—the two words are not synonymous,—he is one of that band of Western historians, who, during the last decade, have opened an entirely new field of historical study. The editorial work of this edition of the *Chronicles* is excellent throughout.

THEODORE ROOSEVELT.

A History of the People of the United States, from the Revolution to the Civil War. By JOHN BACH McMASTER, University of Pennsylvania. In six volumes. Vol. IV. (New York: D. Appleton and Co. 1895. Pp. xiv, 630.)

IN this portly volume, Mr. McMaster traverses the nine years extending from the summer of 1812 to the spring of 1821. This scarcely brings the author to the middle mark of his chosen course. If the forty

years prior to 1820 deserve four volumes of Mr. McMaster's study, surely the forty years between 1820 and 1860 deserve more than two. Moreover, if Mr. McMaster so wishes, he may make these latter decades peculiarly his own. In this period his predecessors are few. He has now passed beyond the range of the admirable work of Henry Adams. He has reached the boundary where Hildreth stopped. Beyond his present limit there is no continuous road across the ridges of time save the somewhat rugged path of Schouler and von Holst's aerial route.

Yet there is no period richer in unwrought materials for social history — for a *History of the People* — than these decades between the construction of the Erie Canal, and the struggle over slavery in the territories. Rivulets of Western migration broadened into rivers and bore the fleets of a new commerce. Society was filled with the ferment of new faiths. From Mormonism at one end of the period to Fourierism at the other, there was a constant procession of new Messiahs with new gospels. Industrial development was rapid, and it was revolutionized by the invention of the railway engine and the telegraph. Here, also, the historian must deal with personal forces of unexampled strength and influence, the grandeur of Webster, the high-spirited fervor of Clay, the subtlety of Calhoun, the democracy of Jackson.

Thus far in his work Mr. McMaster has made but little adequate use of the power of personality in shaping history. The fourth volume shows no change in this respect. The reader receives no sufficient explanation of the dominant position of De Witt Clinton in New York politics in 1812, or of his utter ruin shortly after. Madison, Monroe, Adams, Clay, Calhoun, Crawford, appear only as names. They give no impression of life. They are only fixed points, by which march in review whole regiments of facts about banks, currency, tariffs, and foreign relations. Every method of narration has its own virtues and defects. Mr. McMaster loses, perhaps, in impressiveness, in the effect which a more dramatic arrangement would produce, but he gains, possibly, in fidelity and clearness of narrative. His touch grows firm with experience, and the colorless impartiality which he desires is well preserved.

All the good qualities of the author are seen at their best in the chastening story of the second war with England, which fills the first half of this volume. There is little room for novelty, but the recital is skilful. The panorama of the war is steadily unrolled and the crowding events are made to teach their own lesson, but so surely and plainly that the way-faring man, though a fool, may not err therein. Never since the days of Cleon was there a more striking exhibition of the incompatibility between democracy and military efficiency than that afforded by our armies on the Canadian frontier. Soldiers who wouldn't fight were well mated with officers who couldn't,—the senile Dearborn, the braggart Smyth, the knavish Wilkinson, and, above them all, the politician Armstrong. So goes the familiar tale of incompetence on land and of heroism on sea. From the extreme of exasperation the reader is carried to the extreme of

exultation, as he cons once again the exploits of those spiritual kinsmen of Francis Drake and Richard Grenville who swept the Pacific coast with David Porter and struggled under Reid with an overwhelming force of the enemy in the harbor of Fayal.

In treating of the work of the Home Guards during the war, Mr. McMaster is able to draw from newspaper files some interesting items. The rigid blockade during the latter part of the war drove the coasting trade inland, where it was sheltered on wagon-board, and its progress was chronicled in the Federalist press under the caption: "Horse Marine Intelligence." Thus: "Port of Salem. Arrived, the three-horse ship, *Dreadnaught*, Captain David Allen, sixteen days from New York. Spoke in the latitude of Weathersfield, the *Crispin*, Friend Alley master, from New York, bound homeward to Lynn, but detained and waiting trial for breach of the Sabbath." The brightest coruscation of Federalist wit was a parody on Campbell's "Ye Mariners of England," which ran thus:

"Ye wagoners of Freedom, Whose chargers chew the cud,
Whose wheels have braved a dozen years The gravel and the mud!
Your glorious hawbucks yoke again To take another jag,
And scud through the mud, Where the heavy wheels do drag;
Where the wagon creak is long and low, And the jaded oxen lag.
Columbia needs no wooden walls, No ships where billows swell,
Her march is like a terrapin's, Her home is in her shell."

Mr. McMaster passes very abruptly from the war to the piping times of peace that followed. He does not bestow much philosophical generalization upon the chapter of political and international complications that had lasted through a quarter-century. The smoke of the guns of the frigate *Constitution* curls over page 279, and on page 280 he rushes forward towards local politics in the spirit of this introductory passage: "From the long story of battles and sieges and civil strife it is delightful to be able to turn once more to the narration of the triumphs of peace. At last, after a period of five and twenty years, the people of the United States were free to attend to their own concerns in their own way, unmolested by foreign nations." It is difficult to bid such a curt farewell to the great movement of the French Revolution. Its life was not so foreign to our own, nor was our participation in it so mechanical in nature. The Republicanism of 1820 should be traced from the Republicanism of 1793; the ultra-democratic notions of the new West had their genesis before 1800. The Tammany Society and the Jacobin Club sprang from similar social influences, the fires of the Revolution were, in 1812, just beginning to kindle in Spanish America, and the dreams of Burr were not forgotten here. It would be well to emphasize the continuity of these strands of historical influence.

The latter half of the volume is filled with the various affairs of Monroe's first administration,—the tariff of 1816, Jackson's flaming career in Florida and the disputes with Spain, the conditions of banking and the currency, internal improvements, the northeastern fisheries, temperance

and prison reforms, missionary and colonization agitations, and the Maine-Missouri controversy.

In some instances Mr. McMaster has been able to make his topic clearer by a new setting. He has taken a natural interest in demonstrating the causes of New York's commercial success over its rivals on the Delaware and Chesapeake. It is clear that the supremacy of the northern city was won soon after the close of the war, and was not due to the completion of the Erie Canal. It was the reward of the spirit that afterwards made the canal. In 1818, already had the more sluggish mercantile community of Philadelphia lost the prize that might have fallen to it. Western traders were obliged to pay in advance the freight dues from Philadelphia to Pittsburgh. New York dealers collected freight dues when the goods were delivered, and charged one dollar and a half less per hundredweight than their Quaker brethren. Philadelphia merchants would not guarantee against damage to goods on the way. New York shippers took the risk of damages incurred before the delivery of the goods.

Some of the most interesting pages in the book are those that deal with the origins and expansion of public charitable and missionary organizations. Reports of the pioneer home missionaries of the West and South are used in an interesting way. Incidentally the wonderful prosperity of the Methodist Church in this country is luminously explained.

"Wherever they went they found great tracts of country inhabited by from twenty to fifty thousand people, in which there was not a preacher of any sect. Where there were any they were almost invariably Methodists. The discipline of the Methodists was especially well suited to the state of the West. Population was scattered. The people were poor, and not at all inclined to form societies and incur the expenses of maintaining a settled minister. A sect, therefore, which marked out the region into circuits, put a rider on each and bade him cover it once a month, preaching here to-day and there to-morrow, but returning at regular intervals to each community, provided the largest amount of religious teaching and preaching at the least expense. This was precisely what the Methodists did, and this was precisely what the people desired."

The map, opposite page 50, illustrating the Canadian campaigns, is inadequate, and the map on page 165, showing the scene of the Creek war, is not uniform with the surrounding text in its spelling of Indian names.

CHARLES H. LEVERMORE.

The Life of Samuel J. Tilden. By JOHN BIGELOW, LL.D. (New York: Harper and Brothers. 1895. Two vols., pp. vii, 415, v, 412.)

EVERY student of politics or political history, every one who believes that political ideals and institutions practically and enormously affect the welfare of men, will find these volumes interesting — very interesting. To this praise, — the first and usually the chief praise craved by an author, —

Mr. Bigelow's biography is well entitled. Adverse testimony, perhaps naturally enough, is not set very fully and frankly before the reader; but the material is sufficiently given for tolerably just estimate of a political career of high rank. There are tedious and apparently useless genealogical data, some prolix details, which one can imagine without reading, and cannot read without nausea, of communications made to a conspicuous politician by male and female adventurers because he happened to be rich and to be a bachelor,—some anecdotes of unrelated persons and things, gravely put into the biography because they were told at dinner table when Tilden was present and may, therefore, have heard them. But if the book be read with judicious skipping, as Dr. Johnson intimated that every book should be read, the narrative will be found as lively as it is valuable and instructive.

The distinguished and venerable author, to whom American letters and public life are under many and solid obligations, intentionally and fairly lets the reader perceive that he labors under the limitations of a family biographer, who must turn his subject into something of a lay figure, lest his flesh-and-blood reality undo the dignity and perfection conventionally suited to a hero. Mr. Bigelow was a most intimate friend. Except during the war and last years of the slavery agitation, he was himself a zealous and important associate of Tilden, and thoroughly devoted to his political philosophy. He argues, therefore, like an advocate, leaving one in some perplexity to understand the inadequacy of popular esteem, or even the widespread distrust, from which, during several years before his absolute retirement in 1884, so really great and patriotic a man suffered. It is, no doubt, due to the pressure upon Mr. Bigelow's time and strength, that the editing or proof-reading of his work is imperfect; that long documents are thrust bodily into the narrative instead of their substance being made a part of it; that names are occasionally disguised,—as Benjamin *Stillman* for Benjamin *Silliman*, C. A. *Rapalle* for C. A. *Rapallo*, Anthony L. *Robinson* for Anthony L. *Robertson*; that dates are misprinted to the perplexity of readers in the next generation, as 1883 for 1893 as the year of the repeal of the Sherman silver law; that obvious exaggerations have been retained, like the assertion that Polk, who had been sixteen years in Congress, four years speaker of the national House, and governor of Tennessee, had probably, when nominated for the presidency, never been heard of by a hundred Democrats in New York.

Some of the disparagements of Tilden's political associates seem quite out of place. The depreciation of Seymour and President Cleveland are without justification in any facts which Mr. Bigelow narrates or in anything which, so far as he tells us, was said or written by Tilden. They apparently represent rather the personal dislikes of the biographer than the opinions of his subject. Whatever one may think of Horatio Seymour's political views, it is plain that Tilden shared them. The exaltation and beauty of his character, his self-sacrificing, generous, steadfast,

and active, although sometimes futile, devotion to the best kind of public service during years when, for sincere Democrats at least, American politics were in deep gloom,—and especially his support of Tilden's cause with his own unrivalled personal popularity in the Democratic party,—ought to have protected his memory, in this book at least, from slurs which, so far as concerns the biography, are gratuitous and irrelevant.

More striking illustration of this fault is seen in the elaborate indictment of Mr. Cleveland, to which its latter part is dedicated and which even seems, full of zest and measurably near to rancor as it is, to have spurred the author to his publication of the biography. He accuses the President, after his first election, of disrespectful neglect of Tilden's advice. No proof is given that Tilden shared the feeling; and the criticisms do not help his fame. The President did not, it is true, during Tilden's life, exhibit in high degree a faculty which has belonged to most great rulers, which is often a chief element of political power, as in the careers of William III. and Abraham Lincoln, and which Tilden himself used with large effect. The President had perhaps, in some cases, failed to bring into close official or personal relations with himself, or to be at ease and in confidence with Democrats of high talents and public services who enjoyed popular affection and respect, or to fully avail himself of the legitimate political strength which would have followed from open, tactful, and sincere friendship with such men. A great man becomes greater by this art. Washington's relations with Hamilton, Jefferson's with Madison, and, even better, Madison's and Monroe's with Jefferson, and Lincoln's with Seward, were fine examples. It is wise for a man in high station to co-ordinate the political help, brought by men of original powers and individual will and self-assertion, into efficient harmony with his own purposes, and to endure, or even to invite and welcome, the inconveniences sometimes incident to such comradeship. Whether the President had or had not, during Tilden's life, acquired much of this gift, it is certain that Mr. Bigelow's specifications of affront to Tilden are utterly inadequate. Mr. Cleveland was himself President; it would have been a false and absurd notion of gratitude and deference which could have led him to forget that he must follow his own conscience and will, and not those of Tilden or of any other sage or patriot. This would have been true if, in the winter and spring of 1884-1885, Tilden had been as robust as Jefferson was when he retired to Monticello, having before him an important and almost a fourth part of his career. But that a valetudinarian, within eighteen months of his death, feeble, broken, communicating with the world with extreme difficulty, should dominate any president, and, least of all, one like Mr. Cleveland, would have been a public calamity. Mr. Bigelow permits us to know that men in close personal relation to Tilden were keenly desirous of appointment by the new president. It would probably have been wise to gratify some of them, for there was genuine ability among them. It would have been folly, how-

ever, to establish at Graystone a kitchen cabinet to undermine the responsible cabinet at Washington. If Tilden's last years were years of pique and chagrin, — and we do not believe they were, — it was of no service to his fame, which the biographer has meant to guard, to exhibit the fact.

Samuel J. Tilden was a politician of the very first order. In this life-long invalid, whose physiognomy and bearing, and much of whose career, were like those of the shrewd, persistent, cautious, money-getting, unattractive solicitor in chancery of the English novel, were united that powerful adherence to political ideals, that noble gift of political imagination, that ability in organization, and that practical mastery of details which belonged to Richelieu, Strafford, Walpole, the elder Pitt, and Alexander Hamilton, and which, in their greatest splendor, were visible in the career of that politician who fell in blood at the foot of Pompey's statue. But the ideas of this sober and unheroic American were as patriotic and beneficent as those of Hampden or Franklin. Love of popular rights, jealousy, and even hatred of monopolies and special privileges, optimist confidence in the ultimate success of political virtue and wisdom among the plain masses of men, — all these, which the intellectual dominance of Jefferson, at the end of the last century, had established as the very atmosphere of American public life, were Tilden's controlling inspiration. When hardly more than a boy he enjoyed the friendship of Van Buren, and accepted this cult from that able teacher. Physical ailments, from which he never really recovered, long detained him from active life; but meantime the rustic affluence of his father secured him leisurely and ample book education. Long before he was ready to practise law, and even before he was of age, he was reasoning soundly and deeply in finance and politics, and exhibiting a singular clearness and accurate thoroughness of statement. Indeed, between the address which he wrote for a county convention in 1833, when he was nineteen years old, or his speech in 1840 on "Currency, Prices, and Wages" in defence of Van Buren's Independent Treasury, which was justly pronounced, at the time, a "most masterly production," — and his messages from Albany in 1875 and 1876, the casual reader will find little difference in maturity of expression or general trend of thought. The doctrines of strict construction of federal powers, of divorce of government from business, whether to promote or to restrain, of personal freedom, of plain economy in administration, of the dependence of currency solely upon its intrinsic and exchangeable value without legislation, — these were never better, never more sincerely stated. Tilden must be counted among the first of American political essayists. He saw straight; he detested vagaries and demagoguery; he wrote distinctly what he meant. Though he polished his sentences with infinite assiduity, it was to the end of perspicacity and correctness rather than of grace.

Tilden helped on the victory which Van Buren and Wright, after painful hesitation, gave Polk, in 1844. The Democratic soundness on finan-

cial questions, and the present ease and future hope which "regularity" permitted, were more powerful than the dread that the party might, in flagrant violation of its own theory and traditions, be prostituted to the extension of slavery by federal power. But the continued and imperious dictation of the slave interest, the specific danger of slavery establishment in the territory acquired from Mexico, Polk's proscriptive behavior, and the defeat of Wright for governor in 1846, had, by 1848, given provocation impossible to endure. Tilden was a genuine power in the revolt. With Wilmot and Chase and Van Buren he promised to "fight on and fight ever" for Free Labor and Free Men, and joined in the undaunted cry, "No more slave states, and no more slave territory." The practical work of the Democratic rebels in New York was well done; their votes in November, 1848, exceeded those of the "regular" Democracy. Then followed the futile and ignominious "harmony" of 1852 and 1856. The dread of a divided Union constrained Jackson Democrats as much as it did Webster and Clay Whigs. The prophetic and correct belief that the sheerly sectional character of the Republican party must bring on that division or a fearful and uncertain war, and the hope that Divine Providence would, through economic conditions, and without their help or martyrdom, find a way to resist the extension of slavery, brought Tilden and his associates to a discontented submission.

From 1848 to 1871, he gave much intelligent and honest service to politics. But until the Civil War the fury of the slavery controversy left a Democrat of his ideas and training no satisfactory place. So he kept his law office and made money. During the war and reconstruction periods he could be more useful; and he well discharged the duties of that loyal and constitutional opposition which in most national crises is essential to public safety. He attended assiduously to the formal and detail work of organization; he served as chairman of committees, he drafted papers. Until 1871, however, politics was no more than an avocation. His vocation was law, in which he acquired, perhaps, the largest fortune ever earned in the art. Although he had no forensic grace or aptitude, he was a very able lawyer. It was his power of analysis, his astute and thorough preparation, and not eloquence, which won his cases. But his fortune was not earned in court or in routine work of a law office. In the only examples Mr. Bigelow gives of his professional bills the charges for separate services range from \$10 to \$50. But such charges do not explain the accumulation of a fortune of \$5,000,000. And Tilden was rightly angry at Lieutenant-Governor Dorsheimer for saying that he had made his money by "speculation." A clear explanation would have been a real service to his fame among the masses, to whom such an accumulation by a lawyer seems wonderful or even sinister. It would have been well to amplify the account of his money-getting which Mr. Carter gave in his noble sketch. The foundation of the fortune lay in the great fees (often received in securities, the value of which depended upon the success of the work) which the owners of various and conflicting securities

of railroads justly and gladly paid for services which helped bring order from chaos, for astute invention of a common interest for warring parties, and for the rescue of the true value of what had seemed valueless. Tilden stood resolutely for the genuine honor of the bar; and his wealth did not overcome his courage. When under the Tweed ring, most powerful judges in New York were corrupt, tyrannical, and audacious, he openly declared the shame of his calling, if it were "to become merely a mode of making money, making it in the most convenient way possible, but making it at all hazards." If the bar "were to be merely an institution that seeks to win causes and win them by back-door access to the judiciary, then," he said, "it is not only degraded, but it is corrupt." Nor were these only words; they did not go beyond the practical service to the profession which he soon rendered.

Tilden's political work during the four years after the municipal uprising in New York in 1871, placed him among illustrious Americans. Its courage, thoroughness, and skill can hardly be exaggerated. His preliminary and sudden capture of the comptroller's office, which was the very citadel of the political thieves and ruffians of New York; his demonstration of the precise method of the monstrous robberies from the city treasury, and the criminal convictions his demonstration procured; his self-sacrificing exile to Albany as a member of the lower house of the legislature, and his promotion there of the impeachment of the judges; his warfare upon the canal ring of New York; his constructive energy in legislation; his overwhelming indictment of wrong-doing under Grant's administration; his far-seeing and firm, but popular and convincing treatment of financial questions,—all this extraordinary work has never been surpassed in American politics. It was a serious calamity for the United States that, in spite of its emphatic choice, it should have been cheated of such service by a master of his rank for another four years, and those in the White House. It is to this school that young American politicians, who would practise their art with skill, but with honor and love of country, should come for their lessons; among its traditions they should dream their dreams.

Mr. Bigelow has wisely set out the confession officially made by Tilden's political adversaries at Washington and in the United States Attorney's office in New York, after legal delays were exhausted, that the attack upon him for supposed failure to pay his income tax many years before, was an election device, unfounded in law or justice. The confession shames every American who would have public life decent. The business of the "cipher despatches," though occupying a considerable part of the biography, is treated neither clearly nor satisfactorily. Bitter complaint of the disclosure of private telegrams, or of the concealment of telegrams which would have implicated the Hayes managers, is not a happy note for Tilden's defender. We are not now interested in the virtue of other people or in the manner, right or wrong, in which the documentary evidence was obtained; we are concerned only with what that

evidence means for Tilden. It would have been better to have given the adverse testimony succinctly and fairly. The crimes in Louisiana and Florida, which reversed the verdict of the ballot box, and the debauchery which their success brought to American politics, would have been no less clear; and Tilden's own and perfectly sufficient refutation would have been better understood. Pelton and other Democratic agents at the South were, no doubt, sorely tempted to entertain hospitably the idea of fighting the devil of crime rampant in the returning boards with the fire of \$1000 notes. The folly of any "dalliance" was greater than the temptation. It brought undeserved bitterness and darkness to the last years of the statesman.

The imputations made by Mr. Bigelow upon the wisdom of Senators Thurman and Bayard, and of Abram S. Hewitt, and even upon the good faith of the senators, for their part in the surrender by the House of Representatives to the Electoral Commission of the former's share of the power to determine what votes must be counted, are unjustified by any facts he gives or which are generally known. The Democrats in Congress had before them a cruelly doubtful and anxious question. Tilden himself procrastinated and shrank from responsibility. His plan is said by the biographer to have been to rest upon the constitutional provision that if, when the electoral votes were counted, no person should have a majority, the House must immediately, voting by states, choose the President; upon the fact that the House so voting was Democratic; and upon the certainty that it would decide that no person had a majority, and would then itself choose Tilden. As the House was commanded to act in a certain contingency, the argument was that it must, by necessary inference, have power itself to decide whether the contingency existed which enabled it to act. Whether Tilden were ever prepared to practically go the full length of the plan is doubtful. It certainly was not clearly stated or proposed by him in time either to set the pace for public opinion or to procure adequate consideration and execution in Congress. At the very last, it was by a sort of adumbration, rather than by explicit statement, that he let his opinion, if this were his opinion, become known. But if, early in December and as soon as the electoral colleges of the disputed states had cast their votes, he had openly and firmly declared his inflexible adhesion to the plan, its success would still have been gravely uncertain. There was at least practical doubt, with the Republican Senator Ferry in the Vice-President's chair,—whether the House could alone prevent the counting of the disputed Hayes votes. Alone it certainly could not procure the counting of the disputed Tilden votes. If the Vice-President, who officially held and produced the votes, and the Senate were, in spite of the House, to declare Hayes President, was there not the still more practical consideration that the Republicans were *beati possidentes*? General Grant would have placed Hayes in the White House; Hayes would have had what lawyers call color of title; and he would have been recognized by the Senate and by the actual possessors of all the federal civil

offices throughout the country and by the army and navy. Where would have been any constitutional power to resist the *de facto* President, where a tribunal practically competent to impeach his title? The loyalty of the Democratic party during the Civil War, whether rightly or wrongly, was doubted, and its Southern supporters were, as former rebels, still obnoxious to the dominant North. Would not the exercise or threat of anything like force have been fruitless except to reawaken the loyal sentiment of the war, to fatally discredit the Democratic party, and to firmly entrench its adversary as the guardian of the public peace? Public sentiment not having been challenged by Tilden in time, the only course left, in mid-January, 1877, to Mr. Hewitt and his associates which did not involve enormous risk to every political interest Tilden held dear, was to create a respectable tribunal with power recognized by both Senate and House. That anything better than the Electoral Commission could be had does not appear. A majority of the Republicans in each house voted even against its establishment.

Tilden's adversaries were fond of treating his political influence as a sort of black art, succeeding by magic, and his agents as engaged in omnipresent and sleepless *diablerie*. This was no more than one view, taken by commonplace and suspicious minds, of the widespread results produced by a just union of political ideals with astute knowledge of popular sentiment and skilful industry in organization. Mastery of practical details was a capital talent of his, as of every great statesman. He did not scorn ward meetings or committees, or "literary bureaux." Irksome as he must have found them, he held personal relations with all sorts and conditions of men, by interviews or by letters. So doing he both learned and taught. But he never played the demagogue; he was as much *bête noire* to every light-headed agitator as he was to every political jobber; he had nothing to offer either knaves or "cranks." The optimism whose expression broke through his sad-hued countenance and depressed manner, and his sagacity in choosing associates, brought him the exhilarating aid of young and high-minded men. From among them his party has since recruited some of its best leaders.

Intensely partisan to the last, profoundly hostile to Whig and later Republican theories, practised in the use of party machinery, and thoroughly believing in its necessity, Tilden still never forgot that the party was mere means to an end. If party organization became corrupt or faithless to its pretended motive, he would contest within, or, if necessary, would revolt and attack from without. He was not disturbed by cries that he was treasonably giving victory to the common enemy, or by canting slurs upon "reformers." Nor was this his policy only in 1848; or when he was younger, if, indeed, he were ever young after he outgrew roundabouts; or when he was outside party lines. In 1871, when the ransom of New York City depended upon defeating the Tammany legislative candidates, and the Tammany leaders offered him all the other offices, he would not compromise away the only offices which could be

effective for reform. The "wheel-horses" and "practical men" in the New York convention of 1871 were aghast to hear what fell from the lips of the titular head of their party. To quote his own fine words:—

"I told them that I felt it to be my duty to oppose any man who would not go for making the government of this city what it ought to be, at whatever cost, at whatever sacrifice. If they did not deem that 'regular,' I would resign as chairman of the state committee, and take my place in the ranks of my plundered fellow-citizens and help them to fight their battle of emancipation."

"A million of people," he said later, "were not to be given over to pillage to serve any party expediency or to advance any views of state or national politics." In 1875, when he was Democratic governor, and likely to be the presidential candidate of his party, he told the people of Buffalo how little he thought of "regularity" when it was a livery worn to serve the devil in. "When the parties to which you belong come to make their nominations," he said, "if there be on the ticket any one not true to you, you have but to exercise the reserved right of the American citizen, — to vote for somebody else." And yet within a few years of his death men of the very class to whom Tilden was a relentless foe, invoked the prestige of his name in behalf of party "regularity" intended to shield the iniquities of municipal misgovernment.

The relatives who seized under the technique of testamentary law what they had not earned and what they knew was, by him who had earned it, meant for others, seriously diminished the noble monument of beneficence to the city of his career, which Tilden intended. But American history, more enduring than the marble walls, pictured by Mr. Bigelow as housing a great Tilden free library, will not soon let fade away the memory of this feeble, suffering man, the memory of his high-minded determination, shrinking from neither labor nor odium, the memory of his belief that the world could be made better, and the welfare of the masses of men greater, by sound and honest politics.

EDWARD M. SHEPARD.

Recollections of War Times; Reminiscences of Men and Events in Washington, 1860-1865. By ALBERT GALLATIN RIDDLE, formerly Member of the House of Representatives from the 19th District, Ohio. (New York and London: G. P. Putnam's Sons. 1895. Pp. xi, 380.)

IN printing his reminiscences of our heroic age Mr. Riddle has been moved by a realization of the importance of such personal experiences to the future historian. The local color so indispensable to faithful history is mainly to be derived from the records of men who were behind the scenes in the great acts of the political drama. Mr. Riddle was a leading Whig,

Free-soil and Republican politician in Ohio (the Western Reserve) before the war, was a member of the Thirty-seventh Congress (1861-63), on intimate terms with the executive and legislative leaders of the day, and continued after this to occupy an influential position in Republican party councils. He is especially concerned in his book to contribute something to an adequate conception of the work done by the Congress of which he was a member. The great measures by which this body set and kept the war in motion are recounted, though in a somewhat disjointed manner. But it is not so much in this field, which is covered by the official records, as in that of less public incidents that the author is interesting. He was a member of the Congressional delegation that went forth to see the rebellion crushed at Bull Run, and the unfortunate outcome of that famous adventure is graphically narrated. It was a distorted version of Mr. Riddle's conduct on this occasion, by a disgruntled office-seeker in Cleveland, that rendered a second term in Congress impossible. Experiences at the time of Early's invasion of Maryland and when President Lincoln was assassinated are also employed to illustrate an inherent pugnacity in the author's disposition, which, not afforded a military vent, has doubtless been accountable in no small measure for the distinguished forensic reputation which he has acquired.

The political questions of the war time are treated by Mr. Riddle from the standpoint of an extreme abolitionist. This character, of course, was inevitable to one prominent in the Western Reserve. The author was leading counsel for the rescuers in the famous Oberlin-Wellington affair. He eulogized John Brown and his work at a meeting on the evening of the murderer's execution, in effusive terms which afterwards often returned to plague him. He cast one of the two negative votes in the House on the resolution of July 22, 1861, declaring the purpose of the war to be, not the overthrow of slavery, but only the maintenance of the Union; and he quietly enjoys in his book his ultimate triumph over those who violently censured his action. But, extreme as were his views on the matter of slavery, it is necessary to admit that they are recorded in the book as mere matters of history and are not allowed to detract from a notable tone of fairness and impartiality in the author's comments on those who differed from him. Where he disliked the policy of the President and the moderate party, he says so; but he calls no bad names.

The combination of anti-slavery fanaticism and party loyalty with the training of the constitutional lawyer in Mr. Riddle's make-up, has results in his book which are rather confusing, but which in this very fact faithfully reflect the conditions of the troublous times. Thus on page 40 he strongly approves the attitude of Stevens, Wade, and Stanton in that "no scruple of the written constitution troubled either of them" in combatting the rebellion; in Chapters XVII. to XIX., *passim*, he assails the conservative emancipation policy with elaborate arguments from this very constitution to show that extreme measures are lawful; on page 193 we learn that his legal instincts were revolted at the division of Virginia, but that

party feeling made him vote for the measure ; and in Chapter XLIII. he comes out very strongly against the administration's policy in the matter of military trials, approves the court's decision in the Milligan Case, and eulogizes Garfield's course in this case as having "restored to menaced rights the support of the law of the land." It is obvious that Mr. Riddle belonged to the class of people whose fervor in support of a higher law than the Constitution extended only to matters in which the blacks were concerned, and who found the old-fashioned constitutional law good enough for the ordinary white citizen.

In the author's contributions to the personal history of the times Wade and Stanton are his great heroes, and the war secretary's "liquid eyes" and "low sweet voice" figure largely in the book. Mr. Riddle attempts, in fact, a more or less systematic apology for Stanton, with whom he was in very friendly relations ; but the result will hardly be to change the general judgment up to date, that the dominion of the War Department was an effective, but often odiously unjust, tyranny. General Sherman is censured for his refusal to recognize Stanton at the grand review at the close of the war, as if the general's reason was merely that his agreement with Johnston had been overruled. As a fact, it was not against the secretary's official act, but against his private and even public aspersions on the general's motives, that the latter very properly manifested his resentment. Sherman's reputation insured him against such a fate as Stanton's malignant caprice had brought upon General Stone ; and the hero of Atlanta fully appreciated the fact and made the most of it.

As a prominent Ohio politician, Mr. Riddle played some part in the cabinet imbroglio in which the Blairs and Secretary Chase were concerned. His narrative on this point only gives a little clearer definition to the facts as already known. As to Sumner, the author's personal attitude is best indicated by the single passage devoted to it :—

"I was presented to the great Sumner, and did my poor best to propitiate and cultivate him. But I always had to tell him who I was, and he always asked what I had done to entitle me to his notice, and I always had to admit I had done nothing, and, as I was not born a courtier, I was obliged to give him up" (pp. 5, 6).

It is with a gusto to which the relation thus described probably contributes that Mr. Riddle tells a story concerning the passage of the Thirteenth Amendment in the House. Democratic votes were necessary to get the requisite two-thirds majority :—

"A New Yorker greatly desired a federal place in New York ; he had a brother, a Democrat, in the House, who was assured that his vote for the abolishing amendment would largely augment his brother's chances. There was also a contest for a seat in the next House—a Democrat in the present House was a party to that contest ; he came to see that the result would depend entirely upon his vote on the impending Thirteenth Amendment. It was found necessary to secure the absence of one Democrat from the House on the day of the vote. A railroad in Pennsylvania

was threatened with the passage of a bill by Congress greatly adverse to its interests. The bill was in Mr. Sumner's hands ready to be reported; the road had struggled to have action on the bill *deferred till the next Congress* — thus far without avail. The lawyer for the railroad was a Democratic member of the present House. . . . The two Democrats voted for the amendment, and the railroad's lawyer *was taken so ill* that he could not be carried to the House; the New Yorker had the coveted post; the Democrat secured his seat in the Thirty-ninth Congress, and the august Sumner *did not* report the bill during that session" (pp. 324-325).

The author does not vouch for the means employed to secure the Democrats, but considers that everything else, being a matter of record, warrants confidence in the truth of the story. Whether accurate or not, it is quite in line with one of the most familiar results of historical research — that the means through which epoch-making stages in the world's progress are definitely objectified in political institutions prove often to be sadly lacking in the dignity and moral grandeur which characterize the ends achieved.

Mr. Riddle has written an entertaining book, but it is too short. Certain suggestions as to his views on the questions of Reconstruction and as to his knowledge of the part played in the later days by the heroes of the war time, render it certain that he could throw some very valuable light on the period of the Thirty-ninth and Fortieth Congresses.

WM. A. DUNNING.

A History of Newfoundland, from the English, Colonial, and Foreign Records. By D. W. PROWSE, Q.C., Judge of the Central District Court of Newfoundland. With a Prefatory Note by Edmund Gosse. With numerous illustrations and maps. (New York and London: Macmillan and Co. 1895. Pp. xxiii, 742.)

AT the outbreak of the War of Secession, when nervous friends of the North advised it to let the South go, one of the answers given by the North was that it could not afford to part with the mouth of the Mississippi. Newfoundland, besides the fisheries, commands the mouth of the St. Lawrence; yet the present crisis in its history seems to be regarded by the American people and their government with less interest than the crisis in Hawaii. In Great Britain more interest is felt. The question of the fisheries, unlike most colonial questions, sensibly affects the British people. Imperialists are anxious for the completion of North American federation, and the attention of the Foreign Office is kept alive by the perennial blister of the French claims.

If American indifference is due to historical ignorance, it will be no longer pardonable, since in the portly volume before us Mr. Prowse, the Judge of the Central District Court of Newfoundland, appears to have gleaned all that the most exhaustive industry could collect from English, colonial, and foreign records, to throw light upon the history of Newfoundland. The

work is abundantly furnished with maps and illustrations of all kinds. To each chapter the principal documentary evidences are appended. The book answers perhaps less to the description of a narrative than of a repertory of the materials for a narrative, chronologically arranged. Popular it cannot be expected to be : this its bulk and price as well as its method forbid ; but it will probably be the standard work, a library book of reference, and a general quarry. The great labor which it must have cost its author has not been expended in vain.

In the march of discovery which marked the close of the fifteenth century Henry VII. took part, with his usual caution and parsimony, by lending John Cabot his royal countenance and a very sparing measure of assistance. Cabot's application to the king for letters patent in favor of himself and his two young sons, Sebastian and Sanctus, whose names were inserted to extend the duration of the charter, opens the archives of the British colonial empire. The sunnier regions had been pre-empted ; but the fisheries of Newfoundland, which were the reward of Cabot's adventures, proved a gold-mine richer than the fabled treasures of El Dorado. It is Judge Prowse's opinion that from the time of the discovery the English never ceased to avail themselves of this treasure, and that the fisheries built up the west of England.

The fisheries, discovered by an expedition from a western port, were chiefly in the hands of the men of Devonshire, who were the great maritime adventurers, and, truth to speak, the great pirates of England in those days. Devonshire regarded the fisheries as her own, and if she had not tried to monopolize them, her commercial liberality would have been greatly ahead of her age. Judge Prowse divides the history of Newfoundland into two epochs of nearly equal duration : —

"The early or chaotic era, from 1497 to 1610, when the Island was a kind of no man's land, without law, religion, or government ; frequented alike by English and foreign fishermen ; only ruled in a rough way by the reckless valor of Devonshire men, half pirates, half traders.

"The Fishing Admiral period, from 1610 to 1711, a dismal time of struggle between the colonists and the western adventurers, or ship fishermen from England. This may also be designated the colonization period.

"The colony under naval governors, 1711 to 1825 ; the advent of the first resident governor, Sir Thomas Cochrane.

"The modern era, the struggle for autonomy."

The Devonshire adventurers and the British government at their instigation for some time did their best to prevent colonization, and to break up such settlements as were formed. They wanted Newfoundland to be merely a naval station for the fishing fleet. Settlers at last, however, made good their hold. They were of the same hardy class and sustained by the same religious fortitude as the Puritan founders of New England. Projects of colonization conceived by theoretic or aristocratic founders failed in Newfoundland as they have failed elsewhere.

The Fishing Admiral, whose rule extended through the second period,

was simply a skipper, and apparently the first who came to hand. A very curious potentate, especially in his judicial capacity, he was. Judge Prowse describes him as appearing on the bench of justice, not in judicial robes or magisterial black, but in his blue fishing jacket and trousers besmeared with pitch, tar, and fish-slime, and an old sealskin cap upon his head. The temple of law was a fish-store and the judgment-seat was a butter-firkin. Justice was bought with a little money, with a present of New England apples, or with a bowl of rum, the last of which bribes sometimes laid her on the floor. In this period of misrule a lucid interval is formed by the government of Cromwell, who sent out a commissioner with good instructions.

The administration of the naval governors, who were officers of the Royal Navy and whose rule followed that of the Fishing Admirals, seems not to have been so bad. Its rough and ready ways may have suited that wild maritime population, though its justice was not always discriminating ; at least we find it recorded that in one case a man was whipped within an inch of his life : that next day inquiry was made into the facts, and it was found that they had whipped the wrong man.

At last Newfoundland was recognized as a colony and regular governors were sent out. In due time came the struggle for self-government, which in 1855 was terminated in the usual way by the concession of a constitution after the British model, the imperial governor being reduced, like the sovereign whom he represents, to the position of a figure-head. The revolution was bloodless, though, to mark the advent of liberty, the governor's image was burned. But as Judge Prowse says, the success of the British constitution is largely dependent on the men who work it ; and in the case of Newfoundland, as in those of the self-governed colonies, it has proved easier to send out a copy of the political machine than to export the character and traditions of the statesmen by whom the machine has been kept in order and made to operate hitherto with a fair measure of success.

A large Irish immigration, which took place at the end of the last and beginning of the present century, may have added to the sociability and hilarity of the colony, but did not add to its political harmony or to its aptitude for the working of parliamentary institutions. It was followed by conflicts, sometimes bloody, between the Protestants and the Catholics. Judge Prowse says that these were got up by politicians ; but sectarianism at any rate supplied the gunpowder to which politics put the match. Perfectly natural and genuine, at all events, were the faction fights among the Irish themselves. The Tipperary "clear airs," the Waterford "wehy bellies," and the Cork "dadyeens" were arrayed against the "yellow belly" faction—the "Doones" or Kilkenny boys, and the Wexford "yellow bellies." There were, besides, the "young colts" and a number of other names for the factions. They fought with one another "out of pure devilment and divarsion," as an old Irishman explained to Mr. Prowse. These were the colonial counterparts of "old Erins," "Caravats," and "Shanavests," "two-year-olds" and "three-year-olds," and perhaps we may add of the "Parnellites" and "Anti-Parnellites" of the present day.

Judge Prowse freely lectures the imperial government for its ignorance and surrender of colonial interests. He will find his complaints echoed by Canadian, South African, and Australian writers, all of whom aver that the interests of their colonies have been betrayed. It is curious that these communities should have existed so long without discovering that people know and care more about their own affairs than they do about those of other people. Would Newfoundland make great sacrifices for Canada or Canada for Australia? Why, then, should the British nation be expected to run the risk of war in the interest of dependencies remote from its view and from which it derives not a particle, either of exclusive commercial profit or of military strength? Each dependency magnifies its own importance and expects the whole force of the empire to be put forth on its behalf. A fair historian would probably say that British diplomacy had, on the whole, done as well for the colonies as, considering its limited force and its world-wide responsibilities, they could reasonably expect.

Judge Prowse's complaints of course relate chiefly to the footing which the French have been allowed to retain in Newfoundland, and which is a perpetual source of altercation, not only between the French and English governments, but between the English government, which is disposed for the sake of peace with France to concede French claims, and the colonists, who call for a resolute resistance to them. The western half of the island, the half next Canada, is in something like a state of blockade in consequence of the French claims under the Treaty of Utrecht, 1713, and the Treaty of Versailles, 1783. By those instruments, the French fishermen were permitted to fish all along that shore and down the east shore as far as Cape St. John without molestation from British fishermen. By the treaty of 1783 His Britannic Majesty undertook "to take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French, and for that purpose to cause the fixed settlements [*les établissements sédentaires*] which should be formed there to be removed." Lord Salisbury in Parliament has described Newfoundland as "the sport of historic errors"; and a more awkward situation or one more pregnant with quarrels, it would certainly have been difficult to create. The excuse is that when Bolingbroke signed the treaty of 1713 the west, or French shore, as it is now called, had no regular inhabitants, and was regarded as beyond the limits of civilization. The growth of settlement has rendered the relations of the two nationalities intolerable. The Newfoundlanders call upon Great Britain to oust the French, which she can do only at the cost of war. The British governors hold that Newfoundlanders are not at liberty to fish at the stations occupied by the French fishermen, but may fish at places not so occupied along the shore. This ruling is enforced against the Newfoundlanders by British warships amidst constant growls on the part of Newfoundland.

While he rebukes his mother-country, Judge Prowse shows a British colonist's feelings towards Yankees. Even in the compact drawn up by the Pilgrims before landing from the *Mayflower*, he seems to scent some-

thing premonitory of wooden nutmegs. Speaking of the War of 1812, he says that, though its ostensible causes were the right of search and impressment, "the real reason, as is now admitted by all candid historians, was Madison's re-election as President." All the bloodshed and destruction of property he charges to the account of "the inordinate political ambition of this unscrupulous man." That Madison would not have consented to go to war had he not feared that, by refusing, he would lose his re-election, is probable; but to admit this is not to say that Madison's re-election was the national motive for going to war. As well it might be alleged that Great Britain's reason for going to war with Spain, in 1739, was the retention of Walpole in power. Walpole declared war against Spain in opposition to his own convictions, in order that he might retain power; but the cause of the war was the popular feeling against Spain.

On one or two points of general history, Judge Prowse's statements are open to exception. Bacon cannot be justly said to have been "the last English statesman to use the rack and to pervert justice." He was an official witness of the application of the rack to Peacham, but his name is not specially connected with the practice. As chancellor, he cannot be shown to have ever perverted justice, though he laid himself open to the charge of corruption by accepting presents from suitors. Lord Bute was a despicable minister, and employed corruption on a large scale to carry a disgraceful peace. But there is nothing in his character which would lead us to suppose him capable of taking a bribe from France, and any accusation of that kind may be safely set down to party spirit, which at that time ran furiously high. Bute's wealth was derived from his marriage with Miss Wortley Montagu, the heiress of the great Wortley estates.

GOLDWIN SMITH.

NOTES AND NEWS

✓ Heinrich von Sybel, the last of the great historians of the school of Ranke, died on August 1. Sybel was born at Düsseldorf, December 2, 1817. After four years under Ranke at Berlin, he took his degree at Bonn, where in 1844 he became a professor extraordinarius, having in 1841 published his important monograph on the First Crusade. In 1845 he was called to Marburg as professor ordinarius, where he wrote the first edition of his *Geschichte der Revolutionszeit von 1789 bis 1795* (Düsseldorf, 1853-1857), an epoch-making work, in which the period of the French Revolution was treated especially from the point of view of diplomatic history, as a great disturbance of the international policy of the European states. In 1856 Sybel was called by King Maximilian II. to Munich, where he established the historical commission connected with the Royal Bavarian Academy, and founded the *Historische Zeitschrift*. In 1861 he became a professor at Bonn. During the ensuing period, beside the historical studies embodied in his *Kleine Historische Schriften* (1863-1869) Sybel served with vigor in the Prussian Abgeordnetenhaus, in the Diet of the North German Confederation, and, beginning in 1874, in the imperial parliament. In 1875 he was made director of the Prussian Archives at Berlin, whose publications he originated and superintended. For twenty years, as a member of the Prussian Academy, he has had a foremost part in all official historical undertakings at Berlin. His last work, and, with that on the Revolution, his greatest, was his *Die Begründung des deutschen Reiches durch Wilhelm I.*, of which the seventh volume was published last year. The work, designated on the title-page as composed *vornehmlich nach preussischen Staatsacten*, had every advantage of the writer's official position until it had approached the fifth act of its drama, when the young military officer who now occupies the throne of William I. closed the archives to the great historian. Nevertheless the history was continued. The last of Sybel's publications was an article in the *Historische Zeitschrift*, in which he defended various positions taken by him in his last volume from criticisms recently made, especially in the matter of the respective attitudes of Beust, Napoleon III., Gramont, Eugénie, and Bismarck toward the inception of the war of 1870.

Rudolf Gneist, who died on July 22, was not merely an historian of high rank, but also a renowned jurist and political reformer. He was one of the few prominent historians of this century who have helped to make history. He was born in Berlin, August 13, 1816. In 1839 he began his academic career as *Privat-Docent*. His life was less migratory than that

of most German professors; he remained a member of the Law Faculty of Berlin University from 1839 to the time of his death. For many years he was prominent among the Liberals in the Lower House of the Prussian Diet and in the Imperial Diet. He was also a judge of the Supreme Court of Prussia. He always advocated sober, rational measures of reform, and for almost half a century his profound knowledge of constitutional and administrative law enabled him to exercise a wholesome influence upon legislation in Prussia. His most important works are those on English institutions; for many years he has ranked as one of the highest authorities on English constitutional history. His investigations on the history of English administration and self-government appeared at a time when the study of English institutions was still in its infancy,—before Stubbs, Freeman, Froude, Gardiner, and May had made their contributions to our knowledge of the subject. Gneist also attempted to achieve much more than any of his successors attempted: he covered the whole range of English institutional development, from the early Middle Ages down to recent times. He was led into the subject not merely as an historian, but also as a public man and political reformer. His first important work, *Geschichte und heutige Gestalt der Aemter in England* (1857), was written to meet a defect in the constitutional reasonings put forth during the long conflict for popular representation in Prussia, by showing the futility of attempting to establish parliamentary government without a good substructure of local and provincial institutions. His other treatises on English history had a similar origin. He was not, however, a blind admirer of English institutions; he did not believe in transplanting them to German soil, but he felt convinced that Germany could learn much concerning administration and self-government from a careful study of English history. This practical object of his books had a detrimental influence upon their form. They lack unity and completeness, and often overlap one another. The reader is never sure that he has before him in a given volume all that Gneist has written on any particular subject, and much that is found in one treatise is repeated in others. Gneist strongly emphasized the development of administration in England from below upward, the aristocratic tendencies of English self-government, and the important part played by the gentry in local and central affairs. He believed that England's greatness was founded not merely by the services of the gentry but by the personal coöperation of all classes in the daily duties of life. In all his writings he lays stress upon the idea that the discharge of public duties alone justifies the claim for public rights; he always advocated "a thorough and uniform enforcement of public duties on all members of the state."

C. G.

The Earl of Selborne, formerly Lord Chancellor of England, and author of *Ancient Facts and Fictions concerning Churches and Tithes*, died May 4.

Mr. Abram C. Bernheim, who died July 24, was a historical scholar of unusual gifts. His special field of study was the political history of New York, and he had been since 1888 a Lecturer on that subject at Columbia

College. He was born in New York in 1866. His interest in his native city was far from being solely historical and academic. On the contrary, he was enthusiastically devoted to a great variety of valuable political and social reforms, and had a prominent part in their practical execution. In the University Settlement Society, whose East-Side artistic exhibitions were his work, in the Tenement House Building Company, in the City Club, in the Committee of Seventy, and in many charities, his influence and public spirit were strongly felt; in private his character was one of unusual beauty.

The *Jahresbericht für die Geschichtswissenschaft* for 1893 has this year appeared and, though certain important chapters are lacking, has its customary value.

A step of great importance was taken on May 18, by the formal organization, at a meeting held in New York, of "The American School of Classical Studies in Rome." The new school is intended to promote the study of the archæology of ancient, early Christian, and mediæval Italy; of inscriptions in Latin and the dialects; of Latin palæography, ancient and mediæval; of Latin literature; and of the antiquities of Rome. Its purposes are thus similar to those of the Italian, French, German, Hungarian, and Austrian Institutes at Rome. The Casino of the Villa Ludovisi has been leased, and will be jointly occupied by the new School and by the American School of Architecture established a year ago, the organizations, however, remaining distinct. From this home as a centre, archæological journeys will no doubt be made, and excavations attempted, as by the School at Athens. The School disposes of three fellowships: one of \$600, granted by the Archæological Institute; one of \$600, established out of the fund of the School, which now amounts to about \$25,000; and one of \$500, in Christian archæology, given by special subscription. The School will be opened October 15, 1895. At the meeting already mentioned, Professor W. G. Hale of Chicago was chosen chairman of the organization, Professor A. L. Frothingham, Jr., of Princeton, secretary, and Mr. C. C. Cuyler of New York, treasurer. Messrs. Hale and Frothingham are to be respectively director and associate director of the School for the year 1895-1896, Professor Minton Warren of Baltimore director for 1896-1897.

A journal certain to prove useful in several ways to historical students is the *Revue Internationale des Archives, des Bibliothèques et des Musées*, edited by MM. Langlois, Stern, and Lucien Herr of Paris, Salomon Reinach of St. Germain-en-Laye, Venturi of Rome, and Justin Winsor of Cambridge, Mass. The review will be published three times a year, in March, July, and December, by H. Welter, 59 rue Bonaparte, Paris. On each occasion three *fascicules* will be issued, each exclusively occupied with one of the three subjects to which the review is devoted. The *Revue* proposes to review or state the contents of all books and periodicals dealing with archivistics, library economy and the science of bibliography, and museography. It also intends to give news, — *e.g.*, respecting new regulations, acquisitions, or catalogues, — as completely as is possible, from the

archives, libraries, and museums of the world. Each *fascicule* will also contain one, and only one, "body-article." Articles will be published in French, German, English, or Italian. In the first number, in the section devoted to archives, the article is by M. Langlois, on *La Science des Archives*; in that devoted to museums, M. Reinach writes of *La Muséographie en 1895*. The former section also contains an account of the changes and improvements effected in the Public Record Office at London since the appointment of Mr. Maxwell Lyte as Deputy Keeper in 1886. A high standard of scholarship and unusual perfection of detail are evident in the initial number.

Duncker and Humblot, Leipzig, are issuing a cheap popular edition of Ranke's *Weltgeschichte*, without the notes and appendixes, intending to complete the publication by the centennial anniversary of the historian's birth.

Graduate Courses, a Handbook for Graduate Students, 1895-6, compiled by an editorial board of graduate students and published by Macmillan, presents abundant and interesting information respecting the opportunities afforded by each prominent American university for the study of history and allied subjects. The chief academic *personalia* to be noted are the following: Professor Edward G. Bourne, hitherto of Western Reserve University, becomes a professor of history at Yale; Professor James H. Robinson of the University of Pennsylvania becomes a professor of history at Columbia College; Professor James R. Jewett of Brown University becomes professor of Semitic languages and history at the University of Minnesota; Mr. Edwin V. Morgan succeeds Dr. Bourne at Cleveland; Professor Charles H. Haskins of Wisconsin spends the ensuing academic year in Europe.

A friend of Brown University has offered the sum of \$200 as a prize to encourage the historical study of the development of religious liberty in America. The prize is open to all persons who wish to compete. It will be given to the writer of the best essay on one of the three following themes: 1. A critical comparison of the claims put forward, on behalf of Rhode Island and Maryland respectively, regarding the first establishment of religious liberty in America; 2. A critical history of the movement toward disestablishment and religious liberty in Connecticut; 3. A critical history of the movement toward disestablishment and religious liberty in Massachusetts. The essays must be given to the President of the University (under a pseudonym, with an envelope bearing the assumed name and containing the real name of the author) before May 1, 1896.

ANCIENT HISTORY.

An important official publication in Oriental archaeology is the *Aegyptische und vorderasiatische Alterthümer aus den kgl. Museen zu Berlin*, 87 plates with official letter press.

The *Zeitschrift des deutschen Palästinavereins*, Bd. XVII, contains an extended report on the publications of the years 1892 and 1893 relating to Palestine, by Dr. Benzinger.

The most interesting recent results of the work of the Palestine Exploration Fund have proceeded from the excavations conducted at Jerusalem by the young American archæologist, Dr. F. J. Bliss. His main work has been to search for the lost south wall of the old city. He discovered an ancient south wall, with S.W. and S.E. gates, five towers, drains, aqueducts, etc. Dr. Bliss writes: "No one doubts that I have followed a continuous line of wall, but experts are disagreed as to whether it is the old Jewish line or not, some thinking it was a later wall built by the Empress Eudocia. I will not be dogmatic, but I think the line is Jewish, even if the Empress rebuilt on it. . . . In March I took an exploring trip in Moab and discovered a hitherto unknown Roman fort and military town."

M. Théodore Reinach has published a complete collection of all the passages in Greek and Roman writers relating to the Jews and Judaism (Paris, Leroux) as Vol. I of *Fontes Rerum Judaicarum*. Inscriptions, etc., are to follow in later volumes.

A third edition of W. Wattenbach's *Anleitung zur griechischen Palæographie* has been published by S. Hirzel, Leipzig.

Messrs. Macmillan and Co. have issued the second volume of the translation of Adolf Holm's *History of Greece*. It covers the fifth century B.C.

Among recent German dissertations in ancient history, separately published, may be noted: G. Lippel, *Deutsche Völkerbewegungen in der Römerzeit*, Königsberg (35 pp.); G. Goltz, *Beiträge zur Quellenkritik der Alexander-Historiker, II*, Allenstein (18 pp.); A. Jacobson, *Das Verhältniss des Dionys von Halicarnass zu Varro in der Vorgeschichte Roms*, Dresden (18 pp.); J. Rangen, *Das Archontat und Aristoteles' "Staatsverfassung der Athener"*, Ostrowo (24 pp.).

The first volume of J. P. Waltzing's important *Étude historique sur les Corporations professionnelles chez les Romains* (Brussels, Hayez, 528 pp.) carries his discussion to the fall of the Western Empire. Vol. II will contain all Greek and Latin inscriptions relating to *collegia* not sacerdotal.

Noteworthy articles in periodicals: The *Revue Historique* (May, 1895) has an article of 30 pages by W. Liebenam, presenting a summary review of the German and Austrian publications relative to Roman history issued during the period from 1884 to 1891. An account of those issued in 1892 and 1893 is to follow. C. R. Conder, *The Archaeology of the Pentateuch* (Scottish Review, July); E. Dramard, *Étude sur les Latifundia* (Compte-rendu de l'Académie des Sciences Morales et Politiques, April); Th. Mommsen, *Das Regenwunder der Marcus-Säule* (Hermes, XXX, Heft 1); A. von Domaszewski, *Die Religion des römischen Heeres* (Westdeutsche Zeitschrift, XIV, 1).

EARLY CHURCH HISTORY.

The Antiquarische Gesellschaft in Zürich has published a collection of the earlier Christian inscriptions of Switzerland, edited by E. Egli (*Die christlichen Inschriften der Schweiz vom. 4.-9. Jahrh.*).

Noteworthy articles in periodicals: Jean Guiraud, *Jean-Baptiste de Rossi* (Revue Historique, May); E. G. Ledos, *Le Commandeur G.-B. de Rossi* (Revue des Questions Historiques, April); Paul Allard, *Le Clergé Chrétien au milieu du IV^e Siècle* (Revue des Questions Historiques, June).

MEDIEVAL HISTORY.

The seventh volume of the *Littérature Celtique* of M. d'Arbois de Jubainville (Paris, Thorin) is devoted to the subject of Celtic law, dealing especially with the oath, the duel, compensations for injuries and for murder, and other matters of civil and criminal procedure.

Mr. Henry C. Lea, it is understood, has just finished the manuscript of a *History of Confession and Indulgences*, in three volumes.

A valuable and important summary of papal history from Innocent III. to Gregory XI. inclusive (1198-1373) is furnished by the second volume of F. Rocquain's *La Cour de Rome et l'esprit de réforme avant Luther* (Paris, Thorin, 571 pp.).

Abbé Féret has published (Paris, Picard) the second volume of his *Histoire de la Faculté de Théologie de Paris*, covering the thirteenth century.

Vicomte d'Avenel has published (Paris, Imprimerie nationale), in two large volumes, an *Histoire économique de la Propriété, des Salaires, des Denrées et de tous les Prix en général depuis l'an 1200 jusqu'à l'an 1800*. It contains an enormous number of figures relating to the prices of land, labor, and commodities of all sorts during these six centuries, preceded by an introduction of 500 pages, dealing with a great variety of topics in the economic, and especially the agrarian, history of the period.

MODERN EUROPEAN HISTORY.

The fifth volume of Lavissee and Rambaud's *Histoire Générale* covers the period of the religious wars, 1559-1648.

Messrs. G. P. Putnam's Sons announce the publication, in their series "Heroes of the Nations," of volumes on Charles XII., by R. Nisbet Bain, and on Lorenzo de' Medicis, by Edward Armstrong.

Among recent German dissertations in modern history separately published, the following have some general interest: F. Salomon, *Das politische System des jüngeren Pitt und die zweite Teilung Polens*, Leipzig (80 pp.); H. Schlag, *Geschichtlich-geographische Uebersicht über die*

Staaten des deutschen Reiches nach Abschluss des Westfälischen Friedens 1648, Siegen (48 pp.) ; O. Ritter, *Geiler von Keisersberg und die Reformation in Strassburg*, Döbeln (37 pp.) ; F. Litt, *Lord Macaulay's Ansichten über die Form und die Einflussphäre des Staates*, Düsseldorf (21 pp.).

Noteworthy articles in periodicals : Richard Waddington, *Le Renversement des Alliances en 1756* (*Revue Historique*, May, July) ; J. B. Moore, *Kossuth: A Sketch of a Revolutionist* (*Political Science Quarterly*, March, June) ; Nigra, *Souvenirs diplomatiques* [1870] (*Bibliothèque Universelle*, March).

GREAT BRITAIN AND IRELAND.

On June 21 Lord Acton gave in public his inaugural lecture as Regius Professor of Modern History in the University of Cambridge. His subject was "The Unity of History." The lecture is announced for publication.

The most important recent record publications by the British government have been the following : Vol. VIII (1581-1591) of the *Calendar of Venetian MSS.*, edited by H. F. Brown ; Vol. X (1577-1578) of the *Acts of the Privy Council*, edited by J. R. Dasent ; Vol. XII (1619-1622) of the *Register of the Privy Council of Scotland*, edited by David Masson ; Vol. I of the *MSS. of the Marquis of Ormonde* (Hist. MSS. Commission, 14th Report, Part 7) ; *Calendar of State Papers, Domestic*, 1670, edited by Mrs. Everett Greene ; and Vol. VI (1842-1848) of the new series of *State Trials*, edited by J. E. P. Wallis. The *Calendars of State Papers, Colonial*, are to be continued under the editorial care of the Hon. J. W. Fortescue. The third volume of Major Hume's *Calendar of Spanish State Papers* of Elizabeth at Simancas and Paris is in the press.

The Selden Society, having issued its new edition of *The Mirrour of Justices*, will soon bring out Professor Maitland's volume entitled *Bracton and Azo*, which will make plain the extent of Bracton's indebtedness to the civil law. The Society has in the press a volume of *Selections from the Coroners' Rolls* (Henry III. to Henry V.), edited by Dr. Charles Gross, assistant professor of history in Harvard University, with an extensive introduction. The volume will throw light on the early development of the jury, on the jurisdiction of the hundred and county courts, and on the collective responsibilities of neighboring township. For next year the Society promises a volume of *The Earliest Records of the Equitable Jurisdiction of the Court of Chancery*, edited by W. Paley Baildon.

In the volume of *Mélanges Julien Havet* (Paris, Leroux), dedicated to the memory of that eminent scholar, M. Bémont discusses the date of the *Modus tenendi Parliamentum* and M. Gaston Paris the epithet of Pepin "the Short."

The Benchers of the Inner Temple have decided to print the archives of their society, which begin in 1506. The editor will be Mr. Inderwick, Q. C.

Under the title *English Colonization Ideas in the Reign of Elizabeth* (Danvers, Mass., "Danvers Mirror" Press), Rev. Curtis M. Geer has printed a dissertation presented for the degree of doctor of philosophy at Leipzig. Though hardly adequate and not well written, the pamphlet is interesting and has some substantial merits. The proof-reading has been extremely careless.

The sixth volume of Mr. H. B. Wheatley's edition of Pepys' *Diary* has just appeared.

The Unpublished Works of Edward Gibbon, a fruit of the recent centenary, will be edited by the Earl of Sheffield and published by John Murray. They will comprise the seven autobiographies, selections from which were ingeniously pieced together to make the life as we have known it; Gibbon's Journals of 1762-1764; and his correspondence with his own family and that of his friend Lord Sheffield.

In the Heeren and Ukert series, *Geschichte der europäischen Staaten*, the ninth volume of M. Brosch's *Geschichte von England* has appeared, covering the period from 1783 to 1815.

A volume on Nelson, by Professor J. K. Laughton, is the latest issue in the series of "English Men of Action."

In the forty-third volume (Owens-Passelewe) of the *Dictionary of National Biography* the articles which are of most interest to historical students are those on Thomas Paine, by Leslie Stephen, on Matthew Paris, by Rev. Wm. Hunt, on Matthew Parker, by J. B. Mullinger, on Parnell (unsigned), and on Robert Parsons the Jesuit, by T. G. Law.

Noteworthy articles in periodicals: W. E. Rhodes, *Edmund Earl of Lancaster* (English Historical Review, January, April); J. J. Jusserand, *A Journey to Scotland in 1435* (Nineteenth Century, June); N. Pocock, *Religion and Morals under Edward VI.* (English Historical Review, July); John Fiske, *The Elizabethan Sea-Kings* (Atlantic Monthly, July); *The Armada* (Quarterly Review, July); D. W. Rannie, *Cromwell's Major-Generals* (English Historical Review, July); C. H. Firth, *The "Memoirs" of Sir Richard Bulstrode* (English Historical Review, April).

FRANCE.

The latest issue in the *Collection de Textes* for students' use published by the Société Historique of Paris is (No. 18) *Textes relatifs aux Institutions Publiques aux Époques Mérovingienne et Carlovingienne*, edited by MM. Thévenin and Taillade (Paris, Alphonse Picard).

On May 17, 18, and 19, the eight-hundredth anniversary of the First Crusade was celebrated at Clermont with appropriate ceremonies and brilliant festivities. Next year the fourteen-hundredth anniversary of the baptism of Clovis will be celebrated at Rheims.

The sixth volume of M. Glasson's *Histoire du Droit et des Institutions de la France* (Paris, Pichon) concludes his treatment of feudalism. It deals with the domain of the crown, the royal finances, the *justice royale*, procedure and penal law.

Messrs. Macmillan and Co. have published in their "Globe" series a skilfully reduced edition of Lord Berners' translation of Froissart, edited by G. C. Macaulay.

The French government has published the second volume of M. Valois' *Inventaire des arrêts du Conseil d'État pour le règne de Henri IV.*

A work of great importance on the history of the Huguenots is M. O. Douen's *La Révocation de l'Édit de Nantes à Paris*, 3 vols. (Paris, Fischbacher).

Mr. Funck-Brentano has finished his *Table Générale des Archives de la Bastille* (Paris, Plon), an invaluable guide to an important collection.

A complete and critical edition of the letters of Marie Antoinette has been undertaken by the Société d'Histoire Contemporaine. The first volume (1768-1780), edited by the Marquis de Beaucourt and M. Maxime de la Rocheterie, has appeared (Paris, Picard).

MM. Frederic Masson and Guido Biaggi have collected and edited two volumes of hitherto unpublished papers relating to the life of Napoleon from 1786 to 1793, under the title of *Napoléon Inconnu* (Paris, Ollendorff).

Two new books on Renan are to be noted as of importance: *Ernest Renan, essai de biographie psychologique*, by M. Séailles (Paris, Perrin), and *La Philosophie de Renan*, by M. Allier (Paris, Alcan).

M. Émile Ollivier has published the first volume of a book of personal and historical memoirs entitled *L'Empire Libéral*. Its apologetic purpose does not prevent it from being important as well as interesting. The second volume is in preparation (Paris, Garnier Frères).

Noteworthy articles in periodicals: G. Picot, *Onzième rapport de la Commission chargée de publier les Ordonnances des Rois de France* (Académie des Sciences Morales et Politiques, Compte-rendu, May); G. Kurth, *La France et les Francs dans la Langue Politique du Moyen Age* (Revue des Questions Historiques, April); C. de la Roncière, *Première Guerre entre le Protectionnisme et le Libre Échange [1444-1483]* (ibid., June); H. Brown, *The Assassination of the Guises as described by the Venetian Ambassador* (English Historical Review, April); F. Funck-Brentano, *Les Lettres de Cachet en Blanc* (Académie des Sciences Morales et Politiques, Compte-rendu, May); J. H. Robinson, *The Tennis Court Oath* (Political Science Quarterly, September); F. Masson, *Joséphine avant Bonaparte* (Revue de Paris, May 15, June 1); E. Charavay, *Notice biographique sur La Fayette* (Révolution Française, February, March); A. Metin, *Les Origines du Comité de Sécurité Générale* (ibid., March, April); A. Sorel, *De Leoben*

à Campo Formio (Revue des Deux Mondes, March-June); Hermant, *L'Égypte en 1798* (Revue Bleue, December 22-March 9); Aulard, *L'Établissement du Consulat à Vie* (Révolution Française, April); W. M. Sloane, *Life of Napoleon* (Century, — October); E. Daudet, *Récits de la Chouannerie: L'Agence Anglaise à Bordeaux* (Revue Historique, May); Vicomte de Vogüé, *Le dernier Maréchal* [Canrobert] (Revue des Deux Mondes, March); Mme. Feuillet, *Souvenirs et Correspondance* (Le Correspondant, April, May); L. Thouvenel, *Napoléon III. et M. Drouyn de Lhuys en 1855* (Revue de Paris, May 1).

ITALY, SPAIN, PORTUGAL.

The Italian Dante Society will issue, in about twenty parts, *Il Codice Diplomatico Dantesco*, consisting of photographic facsimiles of all documents bearing on the life of Dante, etc., with notes by Biagi and Passerini. The edition will be limited to three hundred copies (Milan, Hoepli).

A new monthly historical review has been established in Spain, entitled *Revista Crítica de Historia y Litteratura Españolas*. The historical editor is Sr. R. Altamira.

Professor Edward G. Bourne, now of Yale University, has printed in the Western Reserve University Bulletin for April a bibliography of publications connected with the five-hundredth anniversary of the birth of Prince Henry the Navigator.

Noteworthy articles in periodicals: F. Pons, report on recent publications in Spanish history, *Revue des Questions Historiques*, April; K. Häbler, *Die Columbus-Litteratur der Jubiläumszeit* (*Historische Zeitschrift*, LXXIV, 2); G. Valbert, *La Candidature du prince Léopold de Hohenzollern au trône d'Espagne en 1870* (*Revue des Deux Mondes*, April 1).

GERMANY, AUSTRIA, SWITZERLAND.

The third annual meeting of the German historical scholars was held at Frankfurt a. M. on April 18, 19, and 20. Professor Heigel, of Munich, was chosen to preside. The principal discussions were upon the position of historical studies in the universities (discussion opened by Professor von Zwiedineck-Südenhorst, of Graz), and on the principles to be followed in documentary publication. Two important lectures were given, one by Professor Bücher, of Leipzig, on the finances of Frankfurt in the Middle Ages, the other by Professor E. Meyer, of Halle, on economic development in ancient times. A permanent organization ("Verband deutscher Historiker") was formed. The meeting of 1896 will be held in Austria; meetings will thereafter be biennial. After the conclusion of the meetings many members took part in an excursion to the Roman castle at Saalburg, conducted by members of the Limeskommission.

The latest additions to the *Monumenta Germaniae Historica* are *Epistolarum tomus II pars 2 et tom. IV*, containing books X to XIV of the let-

ters of Pope Gregory I., edited, since the lamented death of Paul Ewald, by L. M. Hartmann, and a second volume of letters of the Caroline period, edited by Ernst Dümmler; also, *Auctorum antiquissimorum tomi XIII pars 2*, being *Chronica minora saec. IV-VII*, ed. Th. Mommsen, III, 2.

In the new edition of the *Geschichtschreiber der deutschen Vorzeit* the latest issue (vol. 63) is that of the "Annals of Magdeburg" (*Chronographus Saxo*), newly edited by W. Wattenbach, (Leipzig, Dyk; ix, 128 pp.).

At the annual meeting of the Hansische Geschichtsverein, June 4, announcement was made of the publication of the fifth volume of the *Hansische Geschichtsquellen*, containing the documentary history of the Hanseatic embassy to Moscow in 1603; and of the following forthcoming publications: Abth. III, Bd. 6, of the *Hanserecesse*, ed. Schäfer, Vol. IV (1361-1392) of the *Hansisches Urkundenbuch*, ed. Kunze, and the first (Cologne, 1531-1571) volume of the *Hansische Inventare*, ed. Höhlbaum.

W. Altmann and E. Bernheim have published a second edition of their *Ausgewählte Urkunden zur Erläuterung der Verfassungsgeschichte Deutschlands im Mittelalter*.

The publications of the Prussian Archives are continued in a 61st volume, being the third and concluding part (1521-1525) of Erich Joachim's *Politik des letzten Hochmeisters in Preussen Albrecht von Brandenburg*. The 62d is part III of L. Keller's *Die Gegenreformation in Westfalen u. am Niederrhein*.

In the series of reports of papal nuncios, the publication of Pallotto's, 1628-1630, edited by H. Kiewning for the Prussian Historical Institute at Rome, has been begun at Berlin, by A. Bath, — *Nuntiaturberichte aus Deutschland, 1628-1630*, Bd. I (cvii, 380 pp.).

The city of Vienna has begun the publication of a series of archival sources for its history, *Quellen zur Geschichte der Stadt Wien*, of which the first part has the special title: *Regesten aus in- und ausländischen Archiven, mit Ausnahme der Archiven der Stadt Wien* (Vienna, Konegen).

The Société Générale d'Histoire Suisse has completed the publication of the late Georg von Wyss's *Geschichte der Historiographie in der Schweiz* (Zürich, 338 pp.), edited by G. Meyer von Knonau.

Noteworthy articles in periodicals: L. Pastor, a report on recent publications, in *Revue des Questions Historiques*, April; Moriz Ritter, *Untersuchungen über die pfälzische Politik am Ende des Jahres 1622 und zu Anfang des Jahres 1623* (*Historische Zeitschrift*, LXXIV, 3); O. Krauske, *Friedrich Wilhelm I. und Leopold von Anhalt-Dessau*, *ibid.*, LXXV, 1); *Frederick the Great* (*Edinburgh Review*, April); H. Delbrück, *Der Ursprung des siebenjährigen Krieges* (*Preussische Jahrbücher*, LXXIX, 2); P. Bigelow, *The German Struggle for Liberty* (*Harper's Monthly*, — October); H. v. Sybel, *Neue Mittheilungen und Erläuterungen zur Begrün-*

ung des deutschen Reiches durch Wilhelm I. (Historische Zeitschrift, LXXV, 1); H. Delbrück, *Ursprung des Krieges 1870* (Preussische Jahrbücher, LXXIX, 2).

NETHERLANDS AND BELGIUM.

It is expected that a new and more commodious building will be constructed at the Hague for the archives of the kingdom of the Netherlands.

In the *Bulletin de la Commission des Églises Wallonnes*, T. VI, 3^e livr., Dr. W. N. du Rieu prints a report of the Commission's work during 1892-1893, which contains several matters interesting to Americans of Walloon descent and to students of New Netherland.

A publication having some interest for students of the period of American colonization is Pastor G. C. Klerk de Reus's *Geschichtlicher Ueberblick der administrativen, rechtlichen und finanziellen Entwicklung der niederländisch-ostindischen Compagnie* (lxxxv, 323 pp.), published in Batavia, Java, and obtainable from Martinus Nijhoff at the Hague.

A. Delescluse has in the *Revue des Questions Historiques* for April a report on recent books in Belgian history.

The Royal Academy of Belgium has recently published an important memoir, by P. Alexandre, on *Le Conseil Privé aux anciens Pays-Bas* (Brussels, Hayez, 420 pp.). The institution is treated from the earliest times through the Austrian period to 1794.

The eleventh volume of the *Correspondance du cardinal Granvelle*, ed. Piot (Brussels, Hayez, 772 pp.), is concerned with the year 1582.

An important work in Belgian history is L. de Lanzac de Laborie's *La Domination Française en Belgique: Directoire, Consulat, Empire*, in two volumes (Paris, Plon, 465, 409 pp.).

NORTHERN AND EASTERN EUROPE.

A translation of the Saga of Olaf Tryggwason, by J. Sephton, has been published by David Nutt, London, in the Saga Library.

There have been issued at Copenhagen (G. E. C. Gad) the first two fascicules (1085-1350) of a *Repertorium Diplomaticum Regni Danici Mediaevalis*, edited by K. Erslev.

The sixth volume of the *Bibliothek russischer Denkwürdigkeiten*, edited by Professor Theodor Schiemann, contains the social-political correspondence of Michael Bakunin with Alexander Herzen and Ogaryov, translated into German, together with a biographical introduction and notes by Professor Michael Dragomanov (Stuttgart, Cotta, cx, 420 pp.).

Noteworthy articles in periodicals: Baron d'Avril, *Les Églises Autonomes et Autocéphales, 451-1885* (*Revue des Questions Historiques*, July); P. Hun-

falvy, *Réflexions sur l'Origine des Daco-Roumains* (Revue Historique, May) ; reply by A. D. Xenopol (ibid.) ; Comte Benedetti, *Un Ambassadeur anglais en Orient: Lord Stratford de Redcliffe* (Revue des Deux Mondes, March 1) ; E. Beauvois, reports on recent Scandinavian historical publications, in *Revue des Questions Historiques*, April, July.

AMERICA.

✓ Francis Parkman's brief autobiography is printed in the *Harvard Graduates' Magazine* for June.

The Federal public document designated as *53d Cong., 3d Sess., Senate Ex. Doc., No. 22*, is a valuable letter from the Secretary of State reporting the results of an examination of the revolutionary archives, except military records, made in pursuance of a clause in the Sundry Civil Appropriation Act of August 18, 1894.

The following dissertations for the degree of Ph.D. have been published in the *Johns Hopkins University Studies in Historical and Political Science*: T. F. Moran, *The Rise and Development of the Bicameral System in America* (May) ; J. C. Ballagh, *White Servitude in the Colony of Virginia* (June-July) ; R. D. Hunt, *The Genesis of California's First Constitution* (August) ; W. A. Wetzel, *Benjamin Franklin as an Economist* (September) ; J. A. Silver, *Provisional Government of Maryland, 1774-1777* (October). At Cornell University the following were the subjects of doctoral dissertations: M. A. Federspiel, *The Origin of the Constitution of the United States* ; Miss C. H. Kerr, *The Origin and Development of the United States Senate* (now printed) ; Miss L. C. Sheldon, *The Relations of the French Government to the American Revolution, 1763-1778* ; C. C. Swisher, *The Causes of the Mexican War*. At Columbia College, R. M. Breckenridge, *The Canadian Banking System* ; F. E. M. Bullova, ✓ *The History of Sovereignty*. At the University of Wisconsin, C. J. Bullock, *The Financial History of the United States, 1775-1789* ; O. G. Libby, *Distribution of the Vote on the Ratification of the Constitution*. At the University of Michigan, F. Dixon, *Railway Control in Iowa* ; Miss A. M. Soule (A. M. degree), *The International Boundary of Michigan* ; and that of Mr. Travis, elsewhere noted. At Harvard, W. E. B. DuBois, *The Suppression of the African Slave Trade in the United States*. At the University of Pennsylvania, L. R. Harley, *The Fisheries Dispute*. At Brown University, J. Q. Dealey, *The Early Constitutional History of Texas*. At the University of Chicago, J. W. Thompson, *The Growth of the French Monarchy under Louis VI*.

The *Publications of the American Jewish Historical Society*, No. 3, contains papers presented at the society's third annual meeting, in December, 1894. The most important are papers on the earliest rabbis and Jewish writers of America (Brazil, etc.), by Dr. M. Kayserling of Buda-Pesth, on the American Jew as soldier and patriot (Civil War), by Hon. Simon Wolf,

on the early history of the Jews in New York City, by A. M. Dyer and M. J. Kohler, and on early Jewish literature in America, by Geo. A. Kohut.

The Pilgrim Society of Plymouth, Mass., has set up a bronze tablet at Scrooby, England, to mark the site of the home of Elder William Brewster.

The Historical Society of Pennsylvania has undertaken to obtain, from the original in the Public Record Office, a full copy of the journals of the Board of Trade and Plantations. The subscriptions for the purpose have already reached the figure deemed necessary, \$2000 per annum for five years, and the work has been begun.

On May 13 the two hundred and eighty-eighth anniversary of the settlement of Jamestown was made the occasion of a celebration, organized jointly by the College of William and Mary and the Association for the Preservation of Virginia Antiquities. Professor John Leslie Hall of the college presided; a poem was read by its librarian, Mr. Charles W. Coleman; and a historical address was delivered by President Lyon G. Tyler.

The capture of Louisbourg in 1745 was commemorated on June 17 by the unveiling of a monument erected at Old Louisbourg by the Society of Colonial Wars. Mr. Howland Pell, Secretary-General of the Society, presided, and read an address by the Governor-General of the Society, Gen. Frederic J. De Peyster. There were also addresses by Dr. J. G. Bourinot of Ottawa, president of the Royal Society of Canada, Hon. M. P. Wheeler of New York, and Mr. Edward F. Delancey.

Mr. George P. Humphrey, of Rochester, N. Y., has reprinted, in an edition of 300 copies, *Observations on the Inhabitants, Climate, Soil, Rivers, Productions, Animals, and other matters worthy of Notice, made by Mr. John Bartram in his Travels from Pensilvania to Onondago, Oswego and the Lake Ontario*, with Kalm's account of Niagara, London, 1751.

In the series of "American History Leaflets" edited by Professors Hart and Channing, No. 20, issued in March, contains the exact text of the Articles of Confederation, with the Franklin and Dickinson drafts, all edited from the original manuscripts in the possession of the Department of State.

In Mr. B. F. Stevens' series of *Facsimiles of MSS. in European Archives relating to America, 1773-1783*, Vol. XXIII has now been issued.

The *American Historical Register* for August prints a first instalment of the regimental book of the First Regiment of the Pennsylvania Line, 1782-1783.

Mr. Paul L. Ford prints in the *Nation* for July 25, 1895, a letter of Jefferson's which reached him too late for insertion in his edition of Jefferson's writings, but which is of much importance for the light it throws on the development of his opinions while in France. It was written in 1785 from Fontainebleau to Rev. James Madison.

The Joint Committee of the Fifty-third Congress on Printing provided for a compilation in several volumes of the annual, special, and veto messages, the inaugural addresses and proclamations, of all the Presidents from 1789 to 1894. Hon. James D. Richardson of Tennessee is in charge of the work, and has the first volume partially ready for the printer.

Professor William P. Trent, of the University of the South, will this winter give an extended course of lectures at the University of Wisconsin, on Southern Statesmen of the Old Régime. The lectures will subsequently be printed. The period covered will extend from 1789 to 1861.

No. 6 of the *Bulletin* of the Bureau of Rolls and Library of the Department of State, being its issue for July, 1894, has just been published (541 pp.). It contains the first part — Letters from Jefferson — of a highly useful Calendar of the Jefferson MSS. in the Department of State.

In the general series of the "Old South Leaflets," No. 56 is *The Monroe Doctrine*, with bibliographical and other notes. No. 57 contains extracts from all the important English translations of the Bible, with similar explanatory and historical matter.

In the July number of the *Collections and Proceedings* of the Maine Historical Society, the most extensive article is that by the Rev. Dr. H. S. Burrage on the St. Croix Commission, 1796-1798. To a large extent the paper is based on new MS. material recently acquired by the Society. Hon. G. L. Rives of New York, great-grandson of the British commissioner, Thomas Barclay, has presented to the Society a large collection of documents relating to the boundary; another, once belonging to the British agent, was rescued from a Boston junk-shop by Mr. W. H. Kilby, and by him presented to the Society. It will also come into possession of an important collection of autographic material through the bequest of the late Dr. S. H. Fogg of Boston. The same issue contains the deposition of Brig.-Gen. Wadsworth before the court of inquiry on the Penobscot Expedition.

The ninth volume of the second series of the *Proceedings* of the Massachusetts Historical Society contains the record of its meetings from April, 1894, to February, 1895. The contents include tributes to Dr. Holmes, Hon. R. C. Winthrop, Rev. Dr. G. E. Ellis, and Judge E. R. Hoar, and memoirs of Edwin L. Bynner, Professor Henry W. Torrey, Dr. Henry Wheatland, and Mr. Edward J. Lowell. Beside Dr. Green's elaborate bibliography mentioned below, a large part of the volume consists of hitherto unpublished letters of Dr. Isaac Watts to New England correspondents. At a meeting of the society in June Dr. Samuel A. Green read a paper on Benjamin Tompson (H. U. 1662), the earliest native American poet of English race. Dr. Green has reprinted from the society's *Proceedings*, in an edition of 200 copies, a valuable *List of Early American Imprints belonging to the Library of the Massachusetts Historical Society*.

The New Hampshire Historical Society is making large additions, including a fire-proof vault, to its building. It has recently published Part 4,

completing Vol. II of its *Proceedings*. The Society has received from the estate of the late Governor C. H. Bell a large and most important collection of pamphlets relating to New Hampshire history, perhaps the completest to be found in the state, also two large boxes of MSS. and other papers from the estate of Lorenzo Sabine.

The Boston Record Commissioners have issued their twenty-fifth report. It contains the selectmen's minutes from 1776 to 1786.

The genealogical collections made by Professor Corydon L. Ford have, in accordance with the terms of his will, been deposited in the library of the New England Historic Genealogical Society. The society celebrated its fiftieth anniversary on April 19, Mr. C. C. Coffin delivering an oration.

Mr. Sidney S. Rider of Providence has reprinted in a small edition, with careful historical introduction, the Rhode Island Laws of 1719, of which the original has become rare.

The ninth volume of the *Early Records of the Town of Providence* has been issued by the commissioners. It extends from 1678 to 1750.

The second volume of the *Public Records of the State of Connecticut*, edited by Dr. C. J. Hoadly, may be expected soon.

The New York Historical Society has recently issued the volume of its *Collections* for 1889 (Deane Papers, Vol. IV, 1779-1781).

A new building is being erected at Utica for the Oneida Historical Society, at a cost of \$50,000. It is to be called the Munson-Williams Memorial Building, and is to contain an auditorium, rooms for the library and collections of the society, storerooms and a fire-proof vault. The corner-stone has been laid.

A general index, to count as Vol. XX, will complete the second series of the *Pennsylvania Archives* printed by the state. Vol. IV of the third series has been published; Vol. III, destroyed by fire last January, has not been reprinted. The report of the commission to locate the site of the forts of the French and Indian War, and other forts subsequently erected for the protection of the frontiers of Pennsylvania, is now being printed in two volumes. The removal of the executive departments at Harrisburg into the new building has brought to light some valuable records, especially of the Revolutionary period, which will be published in subsequent volumes of the *Archives*.

Early next year a new volume of the *Calendar of Virginia State Papers* will probably appear, containing the first part of the series of letters from the governors of the state. It is gratifying to know that this volume will have a good index. A book on the Colonial Councillors of Virginia may also be expected, from competent hands. An *Economic History of Virginia in the Seventeenth Century*, by Philip A. Bruce, is announced.

Mr. Edward W. James has begun the publication at Richmond of the *Lower Norfolk County Virginia Antiquary*, intended to be continued semi-

annually and to deal with the antiquities of the portion of Virginia comprising the present counties of Norfolk and Princess Anne and the cities of Norfolk and Portsmouth, — a region which from 1637 to 1691 was called Lower Norfolk County. As the editor and proprietor issues the serial "exclusively for his own pleasure," says the introduction, "there will be no notes and no queries — no questions asked and none answered." A few copies will be for sale with Messrs. J. W. Randolph and Co., Richmond. The first number contains lists of owners of land and slaves in Princess Anne County in 1771, 1772, 1773, and 1774, and of owners and employers of slaves in 1860, documents relating to witchcraft, to an election of vestrymen in 1761, and to the opposition of the Norfolk aldermen of 1799 to the Virginia Resolutions.

Mr. J. J. Casey, of 26 East 129th Street, New York, has printed and offers for sale an index to the personal names in the volumes of Hening's *Statutes at Large of Virginia* and of Shepherd's continuation of Hening.

The *State Records of North Carolina, 1776-1790*, are now being compiled under the editorship of Judge Walter Clark, of the Supreme Court, and are partly printed. They will comprise four or five volumes exclusive of the index, which will cover both the *Colonial* and the *State Records*.

Mr. William Beer, librarian of the Howard Memorial Library at New Orleans, is preparing a careful historical bibliography of Louisiana from materials collected in the libraries of America and Europe. The bibliography will be classified, the books in each class being arranged by authors in alphabetical order; there will also be an author-index.

The forthcoming year-book of the Kentucky Society of Sons of the American Revolution will contain the roll of Revolutionary pensioners in Kentucky; the roll of officers and soldiers of Virginia to whom land grants were made in Kentucky; the roster of the Virginia navy, and the roster of the regiment of George Rogers Clark.

The Secretary of State of Michigan has recently reprinted the journals of the Michigan Convention of 1836, and those of certain extra and special sessions of the Legislative Council of 1834 and 1835. A unique and invaluable collection of pamphlet and other materials for Michigan history, formed by O. A. Jenison, has been purchased by the state library.

The Draper Manuscripts, covering the history of the trans-Alleghany country from about 1740 to 1816, have finally been classified and bound, under the direction of Secretary Thwaites, of the Wisconsin Historical Society at Madison, and are now open to the inspection of scholars, under certain restrictions necessary to a proper administration of the trust. They number 390 large folio volumes, and comprise such treasures as the papers of Daniel Boone, George Rogers and William Clark, Daniel Brady, Simon Kenton, General Sumter, Joseph Brant, and Louis Wetzel, besides abundant material on the several Western Indian campaigns of the eighteenth century. Secretary Thwaites is editing Vol. 13 of the Wisconsin Historical

Collection, which he hopes to have off the press before the close of the year, and is actively preparing his Life of George Rogers Clark. The Society's library has lately had rich acquisitions for the original study of English history. Plans for the Society's new library, which is to be erected in the neighborhood of the State University, have been secured, and work on the building is to commence early next spring. It is intended to erect a noble structure, at a cost of about \$350,000, and ultimately the State University library will be taken in under the same roof and be in the general charge of the Society. The Society has printed an admirable treatise on the Free Soil Party in Wisconsin, by Theodore C. Smith, a model essay of the kind.

The Historical Department of Iowa has issued its first biennial report, made to the trustees of the State Library by Mr. Charles Aldrich, curator (Des Moines; 122 pp.). It gives an account of the establishment of the Department in 1892, and a catalogue of the collection of autographs, newspapers, pamphlets, and other materials for Iowa history since gathered. The nucleus of the collection was a donation by Mr. and Mrs. Aldrich. The last issue (Vol. I, No. 8) of the *Annals of Iowa* published by the Department contains articles on Hiram Price, on Fort Armstrong, on the Des Moines River Land Grant, and on the southern boundary line of Iowa and the "border war" between that state and Missouri; also, four letters (1807) of Governor William Clark the explorer and Nathaniel Pryor.

The Canadian government has issued the *Report on Canadian Archives for 1894*, by Douglas Brymner, LL.D., Archivist of the Dominion, continuing a record of extraordinary and fruitful activity. Dr. Brymner reports the receipt from London of transcripts of state papers relating to Upper and Lower Canada down to 1832, and of an instalment of papers from Paris. The work of transcription of documents relating to the other provinces was begun in 1892. Calendars for all these provinces are ready for the printer. The present report consists chiefly of the calendar of Nova Scotia papers, 1603-1801, including, down to the dates of disjunction, papers relating to Prince Edward Island, New Brunswick, and Cape Breton. The papers, gathered from the Public Record Office, the British Museum, the Colonial Office, and Lambeth Palace, contain, besides the most abundant information respecting the history of Nova Scotia, material for the history of the colonial wars, of the emigrant Loyalists, of the separatist movement of the Nantucket Quakers (1785), of Sierra Leone, and of the Duke of Kent.

Preparations are getting under way in Canada to celebrate the four-hundredth anniversary of the discovery of North America by John Cabot in 1497. An extensive programme has been outlined. It is proposed to hold an International Historical Exhibition at Toronto in 1897 and to bring together interesting relics, records, and illustrations of social progress during the last four hundred years. The Exhibition Committee has the Earl of Aberdeen, the Governor-General of Canada, as honorary president. The Duke of York will possibly open it and the British Association will meet at Toronto in 1897.

No. 5 in the Publications of the Michigan Political Science Association (July, 1895) is entitled *British Rule in Central America, or, a Sketch of Mosquito History*, by Ira D. Travis, Ph.M. Its account of events since 1880 seems to be based entirely on *Sen. Ex. Doc. 20* of the last session of Congress, the book of 207 pages in which was transmitted the correspondence relating to affairs at Bluefields. The sentiment of Mr. Travis' pamphlet is anti-British.

The Hakluyt Society is soon to bring out a translation of the journal of Pedro Sarmiento kept during his voyage to the Straits of Magellan in 1579-1580, with accompanying documents, edited by Mr. C. R. Markham.

Noteworthy articles in periodicals (Period before 1607) : Ed. Seler, *Ueber den Ursprung der altamerikanischen Kulturen* (Preussische Jahrbücher, March) ; and see Häbler, under Spain and Portugal. In the *Revue Critique d'Histoire et de Littérature*, 1895, No. 12, is a vehement anonymous criticism of Fernandez Duro's *Pro Academia Hispaniensi*, in which Captain Duro attempted to defend the Royal Academy of History from the attacks of M. Henry Harrisse. B.-A.-V., *Sébastien Cabot, navigateur vénitien* (*Revue de Géographie*, January to March) ; Levasseur, *Christoph Colomb, d'après la "Raccoltà di documenti e studi" publiée par la "Commissione Colombiana"* (ibid.) ; *La Marine au temps de Colomb, d'après M. d'Albertis* (ibid., March, April) ; Georlette, *Améric Vespuce dans l'Histoire et dans la Légende* (*Bulletin de la Société Royale de Géographie d'Anvers*, XIX, 1).

(Colonial) : John Fiske, *John Smith in Virginia* (*Atlantic Monthly*, September) ; various Virginian inedita, 1638-1691, in *Virginia Magazine of History*, July ; E. R. A. Seligman, *The Income Tax in the American Colonies and States* (*Political Science Quarterly*, June) ; J. S. Bassett, *Land-holding in Colonial North Carolina* (*Law Quarterly Review*, April) ;

(Revolutionary, — 1789) : V. Coffin, *The Quebec Act and the American Revolution* (*Yale Review*, August) ; W. C. Morey, *Sources of American Federalism* (*Annals of the American Academy of Political Science*, September) ; H. Friedenwald, *The Continental Congress* (*Pennsylvania Magazine of History*, July) ; P. L. Ford, *The Adoption of the Pennsylvania Constitution of 1776* (*Political Science Quarterly*, September) ; id., *Pinckney's Draft of a Constitution* (*Nation*, June 13) ;

(Period from 1789 to 1861) : P. L. Ford, *The Authorship of Giles' Resolutions* (*Nation*, September 5) ; A. C. McLaughlin, *The Western Posts and the British Debts* (*Yale Review*, May) ; F. A. Walker, *The Growth of American Nationality* (*Forum*, June) ; W. Wilson, *The Proper Perspective of American History* (*Forum*, July) ; J. Schouler, *President Polk's Diary* (*Atlantic Monthly*, August) ; id., *President Polk's Administration* (ibid., September) ;

(Period since 1861) : E. B. Andrews, *History of the last Quarter-Century in the United States* (*Scribner's Magazine*, — October) ; J. D. Cox, *How Judge Hoar ceased to be Attorney-General* (*Atlantic Monthly*, August).

The
American Historical Review

FERRAND MARTINEZ AND THE MASSACRES
OF 1391

THE terrible massacres of the Jews, in 1391, form a turning-point in Spanish history. They mark the end of the ages of toleration, during which the Peninsula afforded a refuge to the unfortunate children of Israel, and the commencement of the fierce spirit of persecution which rendered the Inquisition inevitable, which expelled the Jews and Moors, and which, by insisting on absolute uniformity of belief, condemned Spain to the material and intellectual lethargy that marked its period of decadence. The popular temper which rendered the massacres possible had been in course of development for a generation, but the outbreak was the work of one man, Ferrand Martinez, Archdeacon of Ecija, who presents himself to us as the ideal example of the mediæval zealot. The document, hitherto inedited, appended to this paper throws some light on the movements preliminary to the massacres and on the unbending resolution of the man to accomplish what he regarded as his duty to God.¹

In spite of the canon law which condemns the Jews to perpetual servitude in punishment for the Crucifixion, and in spite of the repeated urgency of the Holy See, Spain, up to the fourteenth century, had consistently treated them with a reasonable degree of equity. They were not popular favorites, however, for their keen intelligence and business capacity had enabled them to control the finances of the land, both public and private, and the occupations of farmers of the revenue, tax-collectors, and money-lenders, which

¹ Amador de los Rios, in his monumental *Historia de los Judios de España*, has printed several papers relating to these events, but the present one apparently escaped his researches, as it shows that some of the minor details in his narrative are incorrect.

were almost exclusively in their hands, were not calculated to ingratiate them with the people, while the ostentation with which their wealth was displayed was provocative of ill-feeling. There was, therefore, a certain amount of latent popular prejudice, which was capable of being aroused to activity, and to this task the Church of Spain addressed itself. The general council of Vienne, in 1311-1312, although it did not add to the numerous oppressive canons directed against the Jews, took occasion to reprehend in the strongest manner the freedom of worship allowed in Spain to the Moors, and it sharpened the decrees against usury.¹ The Spanish prelates at the council, in their intercourse with their brethren from other lands, doubtless had full opportunity of learning what was thought of Spanish tolerance towards both Moors and Jews, and they seem to have returned home fully inspired with the proscriptive spirit, for the provincial councils subsequently held throughout Spain eagerly endeavored to separate the races and to destroy the kindly intercourse and neighborliness which had existed from time immemorial.² Undoubtedly these efforts must have stimulated prejudice and sharpened antagonism, but they were barren of visible results, for the Jews were too useful to the ruling classes to lack protectors. Not only were they indispensable to the royal finances, but the heavy taxation levied upon them formed a notable and most reliable portion of the revenues of the crown and of the nobles, the churches and the municipalities.

Pedro the Cruel was a friend of the Jews, and it is a sign of their growing unpopularity that his rebellious bastard brother, Henry of Trastamara, found his account in persecuting them. When, in 1355, Henry and his brother, the Master of Santiago, entered Toledo to liberate Queen Blanche of Bourbon, confined in the alcazar, they sacked the smaller Judería and slew its twelve hundred inhabitants, without sparing age or sex; they also besieged the principal Judería, which was defended by Pedro's friends until his arrival with reinforcements compelled the assailants to withdraw. Five years later, when, in 1360, Henry invaded Castile with the aid of Pedro IV. of Aragon, on reaching Najara he ordered a massacre of the Jews, and, as Ayala states that this was done to win popularity, it may be assumed that he granted free license to plunder. When at length, in 1366, Henry led into

¹ Clementin. Lib. V. Tit. ii., v.

² Concil. Zamorense, ann. 1313 (Amador, II. 561-5); C. Vallisoleti, ann. 1322, cap. xxii. (Aguirre, Con. Hispan., V. 250); C. Leridens., ann. 1325 (Villanueva, Viage Literario, XVIII. 247); C. Tarraconense, ann. 1329 (Aguirre, VI. 370); C. Salmanticens., ann. 1335, cap. xii. (Aguirre, V. 269); C. Dertusan., ann. 1429, cap. xx. (Aguirre, V. 340).

Spain Bertrand du Guesclin and his hordes of Free Companions, the slaughter of the Jews was terrible. Multitudes fled, and the French chronicler deploras the number that found refuge in Paris and preyed upon the people with their usuries. The *Aljama*, or Jewish community, of Toledo purchased exemption with a ransom of a million maravedises, raised in fifteen days, to pay off the mercenaries; but as for a time the whole land lay at the mercy of the reckless freebooters, pillage and slaughter were general. Finally, the assassination of Pedro at Montiel, in 1349, deprived the Jews of their protector, and left Henry undisputed master of the land.¹ When the news of the fratricide reached Avignon, Urban V. asked the Bishop of Sarlat whether the Pope and the Church ought to rejoice over Pedro's death, slain by his bastard brother, seeing that he was a rebel towards the Church, a fautor of Jews and Moors, a propagator of infidelity, and a slayer of Christians. To this the bishop replied that he rejoiced at the expiation of crime, but pitied the man, when Urban sternly rejoined, "Have you not read in the Psalms, 'The righteous shall rejoice when he seeth the vengeance'?"²

Thus the people were becoming educated to slaughter and pillage of the defenceless Jew, but he was too necessary to the state to be abandoned, and even Henry of Trastamara was forced to give him a measure of protection. Yet legislation was becoming unfriendly, and the ecclesiastics had freer scope to excite abhorrence and stimulate popular passion. The conditions existed for a catastrophe, and Ferrand Martinez was the man to precipitate it. He was not only Archdeacon of Ecija, but he occupied a distinguished position in the great archiepiscopal see of Seville, where he was canon of the cathedral, and Official, or judicial representative of the archbishop, Pedro Barroso. He was a man of indomitable firmness, and though without much learning, he was highly esteemed for his distinguished piety, his solid virtues, and his eminent charity, the latter of which qualities he evinced by founding and maintaining the Hospital of Santa María in Seville.³ Unfortunately he was a fanatic, and the Jews were the object of his remorseless zeal, which his position gave him ample opportunity of exercising to their injury. In his sermons he denounced them savagely, and excited against them the passions of the people, keeping them in constant fear of an outbreak; as ecclesiastical

¹ Ayala, *Crónica de Pedro I.*, año VI. cap. vii.; año IX. cap. vii., viii.; año XVII. cap. viii. — Guillel. Nangiac. Contin., ann. 1366.

² *Quarta Vita Urbani V.* (Muratori, *Scriptt. Rer. Ital.*, III. II. 641).

³ Zuñiga, *Annales de Sevilla*, año 1395, n. 2; año 1404, n. 4.

judge, he extended his jurisdiction over them, against all law and precedent, and his decisions naturally followed the bent of his prejudices, to their great loss and disadvantage. Moreover, in conjunction with other episcopal officials, he issued letters to the local authorities of the towns of the diocese, ordering them to expel the Jews and to suffer none to reside within their limits, — letters which he endeavored to enforce by personal visitation. The *Aljama* of Seville, which was the largest and the richest in the kingdom, became seriously alarmed and made complaint to the king. Little as Henry of Trastamara was favorably disposed to the Jews, the threatened disturbances boded consequences too serious to his finances to be disregarded, and in August, 1378, he addressed a formal command to Ferrand Martinez to desist from his evil courses; nor was this the first time, as is shown by an allusion to previous letters of the same import. To this Martinez paid no obedience; he continued to persecute the Jews judicially, and to inflame the people against them in his sermons. The *Aljama* had recourse to the Holy See and procured certain bulls for their protection, which Martinez disregarded as contemptuously as he had done the royal mandate. Complaint was again made to the throne, and Juan I., who had succeeded his father, Henry II., in 1382, again commanded Martinez not to preach against them and to abandon his usurped jurisdiction over them. This did not silence him, for another royal letter of 1383 complains that he asserted in his sermons that he knew that the king would regard it as a service if any one should assault or damage or slay the Jews, and that all such might feel assured of impunity. As this portended the complete destruction of the *Judería* of Seville, the king threatened him with severe and exemplary punishment unless he should desist. Yet matters went on as before, and the next information we have is in 1388, when the frightened *Aljama* summoned Martinez before the *alcaldes* of the city, and had the three royal letters read publicly, requiring him to obey them. He replied with insults, and a week later put in a formal answer to the effect that he could not preach otherwise than he did, for he only repeated what Christ and the prophets had said of them; that when he endeavored to enforce the laws requiring complete separation between Christian and Jew, he was but obeying the commands of the archbishop, and that if he were to execute the law he would tear down all the twenty-three synagogues in Seville, seeing that they had all been illegally erected.¹

¹ Amador de los Rios, II. 579-89. It is not much to the credit of Christians that Martinez was justified in his assertion as to the synagogues. As early as 423, Honorius

The dean and chapter became alarmed at the archdeacon's intemperate zeal, and appealed to the king to suppress it, but Juan, in place of enforcing his neglected commands, merely replied that he would look into the matter; the zeal, he said, of the archdeacon was holy, but it must not be allowed to cause disturbance; for, although the Jews were wicked, they were under the royal protection. This royal vacillation naturally encouraged Martinez, who became more inflammatory in his harangues than ever, and symptoms of popular excitement against the Jews became manifest.¹ No one dared to interfere in their defence; but at length Martinez furnished an excuse for silencing him by asserting, in a sermon, that the Pope had no power to license the erection of synagogues. This involved the papal authority and not the Jewish question; and the opportunity was seized of summoning him before an assembly of theologians and doctors. From a sentence pronounced August 2, 1389, by Archbishop Barroso, we learn that he refused to answer except before the people, and on his persisting in this, he was ordered not to preach about the power of the Pope, but he disobeyed, thus rendering himself contumacious and suspect of heresy. He even taught that the Pope could not grant dispensations to the clergy to marry, and that he could not absolve from sins, wherefore, on August 2, the archbishop suspended him, both as to jurisdiction and preaching, till his trial should be concluded.² This afforded the Jews a breathing-space, but Archbishop Barroso died, July 7, 1390. followed, October 9, by Juan I. The chapter must have secretly sympathized with Martinez, for it elected him one of the provisors of the diocese, *sede vacante*, thus clothing him with greater power than ever, and we hear nothing more of his trial for heresy, which evidently was discontinued with the archbishop's death.

Juan had left as his successor Henry III., known as *El Doliente*, or the Invalid, a child of eleven; and quarrels threatening civil war at once arose over the question of the regency. Martinez had now nothing to fear from any quarter, and he proceeded to put his convictions into practice by sending, December 8, to the clergy

and Theodosius II. enacted that no new synagogues should be erected, although existing ones were to be protected from the zeal of those who might endeavor to destroy them (*Cod. Theodos.* Lib. XVI. Tit. viii. l. 25), and this prohibition was sedulously maintained in the canon law (cap. iii., viii., Extra, Lib. V. Tit. vi.).

The twenty-three synagogues referred to were evidently those in the diocese of Seville. In the city itself, as we shall see, there were but three at the time of the outbreak.

¹ Zuñiga, *Anales de Sevilla*, año 1379, n. 3; año 1388, n. 3.

² Amador de los Rios, II. 592-4.

of the various towns, commands, under pain of excommunication, to tear down, within three hours, the synagogues in which the enemies of God, calling themselves Jews, performed their idolatry; the books, including the Law, were to be sent to him, and the building materials to be used for the repair of the churches; if resistance were offered, it was to be overcome by force, and an interdict was to be laid on the towns until the work was accomplished.¹ These orders were not universally obeyed, but enough ruin resulted to cause the frightened *Aljama* of Seville to make earnest representations to the regency, threatening to emigrate if they could not be protected from Martinez. The response to this we have in the subjoined *Acta Capitular*.

From this it appears that the regency acted with promptitude and decision. On December 22, a missive was addressed to the dean and chapter, which was formally read to them, assembled for the purpose, on January 10, 1391. It recited the acts of Martinez, for which it held them responsible, seeing that they had elected him provisor with full knowledge of his character, and had not prevented his unlawful proceedings, wherefore they were liable for the cost of rebuilding the ruined synagogues, and for all damages suffered by the Jews. It required them at once, under pain of making good all past and future damages, and of a fine of a thousand gold *doblas* each, with other arbitrary punishment at the royal pleasure, to remove Martinez from the provisorship and to force him by excommunication to rebuild the synagogues and to abstain from preaching and all other acts injurious to the Jews. Letters of similar import were at the same time addressed to Martinez himself. On January 15 the chapter again assembled, and made a formal reply. With the exception of one member, Juan Ferrandez, they protested their implicit submission to the royal commands; they deprived Martinez of the provisorship, and forbade him to exercise the office, or to preach anything injurious to the Jews, and ordered him, within a year, to rebuild and repair all the synagogues destroyed by his orders. This they presented as their official capitular action, which Martinez must obey under pain of excommunication.

Then Martinez arose and made his reply. The secular sword, he said, was in the hands of the king, to coerce his lay subjects and defend the faith. The spiritual sword was in the hands of the prelates, who were not subject to the royal jurisdiction; the royal letters invaded the ecclesiastical jurisdiction, and were invalid. The dean and chapter could not proceed against him, or

¹ Amador de los Rios, II. 613.

deprive him of his office, or require him to rebuild the houses of the devil, which were synagogues of Satan, and in which, thrice daily, Christ and the king and all the Christian people were cursed ; for all the synagogues in the land had been built in violation of the law and the canons. As the sentence against him was null and void, being rendered by those who were not his judges, no appeal from it was necessary ; but as Christ and the holy Catholic faith were the parties concerned, he appealed to them to judge the matter, and to inflict due penance on those who contravened their commands, saving, always, the king, whose ignorance rendered him worthy of mercy. Moreover, he alleged, truly enough, that he had been accused and condemned without an opportunity of defence. He could prove that the synagogues had been destroyed by order of the late Archbishop Barroso, who had given them to his squires to do as they liked with them, seeing that they had been unlawfully built without licence ; and two of them he had torn down during the archbishop's life. He concluded by declaring that he did not repent of anything that he had done.

This dauntless defiance of the royal authority and of the capital sentence shows not only the intractable fanaticism of the man but his confidence in the support of his fellows, and of the people whose passions he had been exciting for so many years. The sequel proves that his confidence was not misplaced. What answer the regency made to his denial of its jurisdiction over him we have no means of knowing, but whatever it was, it exercised no restraint upon him. His preaching continued as violent and incendiary as ever, and the Seville mob grew excited with the prospect of gratifying at once its zeal for the faith and its thirst for pillage. In March the aspect of affairs was more alarming than ever ; the rabble were feeling their way with outrages and insults, and the Judería was in hourly danger of being sacked. Juan Alonso Guzman, Count of Niebla, the most powerful noble of Andalusia, was adelantado of the province and alcalde mayor of Seville, and his kinsman, Alvar Perez de Guzman, was alguazil mayor. On March 15 they seized some of the most turbulent of the crowd and proceeded to scourge two of them, but in place of awing the populace this led only to open sedition. The Guzmans were glad to escape with their lives, and popular fury was directed against the Jews, resulting in considerable bloodshed and plunder, but at length the authorities prevailed, with the aid of the nobles, and order was apparently restored. By this time, however, the agitation was spreading to Córdoba, Toledo, Burgos, and other cities. Everywhere fanaticism and greed were aroused, and the

Council of Regency vainly sent pressing commands to all the large towns, in hopes of averting the catastrophe, yet a royal order of April 15, withdrawing the privilege that in Seville no building should be erected within cross-bow-shot of the *Judería*, could only be regarded as a concession to the passions of the mob. The archdeacon continued his inflammatory harangues and sought to turn to the advantage of religion the storm which he had aroused, by procuring a general forcible conversion of the Jews. The excitement grew till it became uncontrollable, and on June 9 the tempest burst in a general rising of the populace against the *Judería*. It was sacked and left a desert. Few of its inhabitants escaped; the number of the slain was reckoned at four thousand, and those of the survivors who did not succeed in flying, only preserved their lives by accepting baptism. Of the three synagogues, two were converted into churches for the Christians who settled in the Jewish quarter, and the third sufficed for the miserable remnant of Israel which slowly gathered together after the storm had passed.¹

From Seville the flame leaped through Castile from shore to shore. In the paralysis of public authority, during the summer and early autumn of 1391, one city after another followed the example; the *Juderías* were sacked, the Jews who would not submit to baptism were slain, and fanaticism and cupidity held their orgies unchecked. The Moors escaped; for although many wished to include them in the slaughter, there was a wholesome restraining fear of reprisals upon the Christian captives in Granada and Africa. The total number of victims was estimated at fifty thousand, but this is probably an exaggeration. For this wholesale butchery and its accompanying rapine there was complete immunity. No attempt was made in Castile to punish the participants. It is true that when Henry attained his majority, in 1395, and came to Seville, he caused Ferrand Martinez to be arrested, but the penalty inflicted must have been trivial, for we are told that it did not affect the high estimation in which he was held, and on his death, in 1404, he bequeathed valuable possessions to his foundation of the Hospital of Santa María.²

In Aragon, although there was a king able and disposed to

¹ Zuñiga, *Annales de Sevilla*, año 1391, n. 1, 2, 3; Ayala, *Crónica de Enrique III.*, año I. Cap. v., xx.; Barrantes, *Ilustraciones de la Casa de Niebla*, Lib. V. Cap. xx.; *Archivo de Sevilla*, Sección primera, Carpeta II. n. 53.

² Ayala, *Crónica de Enrique III.*, año 1391, Cap. xx.; Mariana, *Hist. de España*, Lib. XVIII. Cap. xv.; Colmenares, *Hist. de Segovia*, Cap. xxvii. § 3; Fidel Fita, *Boletín de la Real Academia de la Historia*, IX. 347; Zuñiga, *Annales de Sevilla*, año 1391, n. 2; año 1404, n. 4.

enforce the royal authority, and although the Castilian disturbances afforded ample warning, it was impossible to control the passions of the mob. From July 9, when the Jews in Valencia were massacred, until October, the subterranean flame burst forth successively in one city after another — Barcelona, Palma, Gerona, Lérida, Saragossa, witnessed the same exhibitions of savage fanaticism. Yet if Juan I. found himself unable to prevent the massacres, he was determined to punish them, and during the winter of 1391-1392 there were numerous executions of the most guilty participants.¹

Thus, the Church had at last succeeded in opening the long-desired and irreparable chasm between Christian and Jew. It had looked on, silent if not approving, while the Archdeacon of Eciija was bringing about the catastrophe, nor did pope or prelate utter a word of reproach to stay the long tragedy of murder and spoliation which they regarded as an act of God to bring the stubborn Hebrew into the fold of Christ. The old friendliness between the races was a thing of the past, and the final introduction of the Inquisition was rendered inevitable through the creation of a new class—that of the Conversos, Marranos, or New Christians—Jews who professed conversion to escape from slaughter. At this distance of time it is, of course, impossible to apportion the motives which led to the massacres between the attraction of disorder and pillage for the dangerous classes, the odium entertained by many for the Jews, and the fanaticism which served as an incentive and as a cloak for baser passions. That the religious element, however, predominated, would appear from the fact that everywhere the Jews were offered the alternative of death or baptism, and that wherever willingness was shown to embrace Christianity, the murderous work was at once suspended. The pressure was so fierce and overwhelming that whole communities were baptized. At Valencia, an official report of the municipal authorities, made on June 14, five days after the massacre, states that all the survivors, except a few who were in hiding, had already been baptized; they came forward demanding baptism in such droves that in all the

¹ Amador de los Rios, II. 392-4.

In the case of Jayme dez Mas, accused of participation in the sack of the Judería of Barcelona, a royal letter was issued, February 27, 1392, at the request of Vicente de Rippis, prior of S. María de Monserrat, who testified that Jayme was a skilful mason, engaged on the refectory of the priory, and that the work could not be completed without him, as he alone knew the plan. His trial is therefore suspended for a year during which he is to work at the priory without wages, but the sequestration of his property is not to be removed, and it is to be subject to confiscation at the expiration of the term. *Coleccion de Documentos de la Corona de Aragon*, VI. 430.

churches the holy chrism was exhausted, and the priests knew not where to procure more, but each morning the *crismera* would be found miraculously filled, so that the supply held out; nor was this by any means the only miracle which showed that the whole tragedy was the mysterious work of Providence to effect so holy an end. The chiefs of the synagogues were included among the converts, and one can believe the statements current at the time, that in Valencia alone the conversions amounted to eleven thousand. Moreover, it was not only in the scenes of massacre that the good work went forward. So startling and relentless was the slaughter that panic replaced the unyielding fortitude which the Jews had so often displayed under trials equally severe. In many places they did not wait for a rising of the Christians, but at the first menace, or even in anticipation of trouble, they came eagerly forward and clamored to be received into the Church. In Aragon the total number of conversions was reckoned at a hundred thousand and in Castile at as many more; nor is this probably an exaggeration.¹ Nowhere do we hear of any attempt at armed resistance. The terror-stricken wretches either submitted to slaughter or saved their lives by flight or baptism.

In this tempest of conversion Ferrand Martinez yields the place to San Vicente Ferrer. The former sowed the seed, but the latter garnered the harvest, and in fact it was to the fervor of his preaching that subsequently was attributed the excitement leading to the massacres.² This doubtless does him injustice as far as

¹ Amador de los Rios, II. 400-2, 445, 599-604. — Zurita, *Añales de Aragon*, Lib. X. Cap. xlvii. — Llorente's estimate (*Histoire critique de l'Inquisition*, Ch. V. Art. 1, n. 6.) of a hundred thousand families, embracing about a million of souls, is of course untrustworthy.

² Bernaldez, *Historia de los Reyes Católicos*, Cap. xliii.

The Jews likewise attributed their sufferings to San Vicente. Rabbi Joseph ben Joshua ben Meir, whose ancestors fled, during this persecution, from Cuenca and settled in Benevento, thus describes "Friar Vincent from the city of Valencia of the sect of Baal Dominic" (*Chronicles*, Bialloblotsky's Translation, I. 265-7): —

"He was unto them a Satan [adversary] and stirred up against them all the inhabitants of the country, and they arose to swallow them up alive, and slew many with the edge of the sword, and many they burned with fire, and many they turned away with the power of the sword from the Lord, the God of Israel. And they burned the books of the Law of our God, and trampled upon them as upon the mire in the streets; and the mother they dashed in pieces upon her children in the day of the Lord's wrath. . . . And some of them killed their sons and daughters that they might not be defiled. . . . Those who were compelled to be baptized became numerous in the land of Spahd [Spain] and they put upon them a mark of distinction unto this day. . . . And the Jews went out from that accursed country which the Lord had cursed. . . . Also upon the Jews that were in Savoy did this grievous oppressor turn his line of desolation. And I have seen in the book Mischath Marehu how they hid themselves in the castles of Savoy in those evil days. And this Belial was in their sight a saint; and the Pope Calixtus

regards their inception, but the fact that he chanced to be on hand in Valencia on that fatal July 9 may perhaps be an indication that he contributed to their continuance. His eloquence was unrivalled; immense crowds assembled to drink in his words; no matter what was the vernacular of the listener we are told that his Catalan speech was intelligible, as was experienced by Moor, Greek, German, Frenchman, Italian, and Hungarian, while the virtue which flowed from him on these occasions healed the infirm, and he repeatedly restored the dead to life.¹ Such was the man who, during the prolonged massacres, and subsequently, while the terror which they excited continued to oppress the unfortunate race, traversed Spain from end to end with restless and indefatigable zeal, preaching, baptizing, and numbering his converts by the thousand. On a single day in Toledo he is said to have converted no less than four thousand. It is to be hoped that in some cases, at least, he may have restrained the pious zeal of the murderous mob, if only by hiding its victims in the baptismal font. That his methods, however, did not commend themselves to those who desired peace would appear from the story that when he wished subsequently to carry on his work in Portugal and applied to João I. for permission to enter his dominions, the monarch replied that he could come, but only on condition of wearing upon his head a red-hot iron crown — an offer which he wisely declined.² Whatever may have been San Vicente's share in prolonging the massacres, there can be no doubt that their commencement is attributable to Ferrand Martinez, who therefore is entitled to be bracketed with Cardinal Ximenez as the two Spaniards who have contributed most largely to the downfall of their country's prosperity and power.

In the horror excited throughout the civilized world by the atrocities committed on the Armenians, it is perhaps wholesome for us to be reminded that Christian fanaticism has been capable of still greater enormities, and that even in the nineteenth century a cultured scholar like Villanueva has been found to characterize the massacres of 1391 as a *guerra sacra contra los Judíos*.³

HENRY CHARLES LEA.

wrote his memory among the saints and appointed feast-days unto his name, on the fifth day of the month of April. May God recompense him according to his deeds!"

¹ *Chron. Petri de Arenis*, ann. 1408 (Denifle, *Archiv für Litt.- und Kirchengeschichte*, 1887, p. 647); *Coleccion de Documentos de la Corona de Aragon*, I. 118; *Chron. Magist. Ord. Prædic.*, Cap. xii. (Martene, *Ampliss. Collect.*, VII. 387); Salazar, *Anamnesis Sancti. Hispan.* II. 513; Tournon, *Hommes Illustres de l'Ordre de S. Dominique*, III. 37; Alban Butler, *Vie des Saints*, 5 Avril.

² Graetz, *Geschichte der Juden*, VIII. 125 (Leipzig, 1890).

³ Villanueva, *Viage Literario*, XVIII. 20.

ACTA CAPITULAR DEL CABILDO DE SEVILLA.

10-15 DE ENERO, AÑO DE 1391.

(MSS. de la Biblioteca Nacional de España, Dd. 108, fol. 78.)

Martes dies días de Enero, año del nascimiento del nuestro Salvador Jesu Christo de mil e trescientos et noventa et uno años, en este día sobredicho a ora de tercia estando en la muy noble Cibdat de Sevilla dentro de la casa del Cabildo de la Iglesia de Sevilla et estando y el dean et Cabildo de la dicha Iglesia ayuntados, parescio y Gutierre Lorenço, Alguacil de nuestro Señor el Rey en presencia de mi Alfonso Gonzalez escrivano publico de esta dicha Cibdat et de los otros escrivanos de Sevilla que a esto fueron presentes, el dicho Gutierrez Lorenço dio a mi el dicho Alfonso Gonzalez escrivano publico para que leyese al dicho Dean et Cabildo dos cartas de nuestro Señor el Rey escritas en papel e firmadas de su nombre et selladas con su seello de aporidad de cera a las espaldas, et en las espaldas de las dichas cartas estan escriptos en la una dellas siete nombres et en la otra seis, de la quales cartas el thenor dellas dis en esta manera.

Don Enrique por la gracia de Dios Rey de Castilla, de Toledo, de Leon, de Galicia, de Sevilla, de Cordova, de Murcia, de Jahen, de Algarbe, de Algesira et Señor de Viscaya et de Molina, al Dean et Cabildo et provisosores de la Iglesia de la mui noble Cibdat de Sevilla, Salud et gracia. Sepades que por parte de las Aljamas de los Judios desta dicha Cibdat et de las villas et lugares de su Arzobispado me fué dicho et querellado en como vos otros que escogierades a Ferrand Martines Arzediacono de Ecija por uno de los provisosores de esta dicha iglesia vacante la seyendo persona que se atreve a fasser algunas cosas contra rason et derecho lo qual se torna en daño et verguenza desa Iglesia et en gran menosprecio mio et de la mi justicia. Otrosy en gran daño et perjuicio et desonrra et estruimiento de los dichos Judios et de sus synagogas, seyendo contra ellos sin rason et contra derecho, con opinion et erronea a les derribar et mandar derribar injustamente contra derecho algunas de las dichas sus synagogas, sobre lo qual por parte de los dichos Judios me fueron mostrados dos traslados signados de escrivanos publicos de dos cartas quel dicho Arcediano de Ezija dio para derribar algunas sinagogas, la una en que se contiene en como embiava mandar al Vicario et clerigos et capellanes et sacristanes de la villa de Ezija que so pena de excomunion luego vista su carta fasta tres oras siguientes derribassen et fisiesen derribar la casa et sinagoga en que los Judios de la dicha villa de Ezija fasian su idolatra et que mandava al dicho Vicario que le embiase los libros et la Tora para que ficiese dellos lo que fuesse derecho, et que si algund ome con fuerza et poderio gelo defendiese que le mandava que pusiese luego entredicho en la dicha villa fasta que se dexase dello et se cumpliese la dicha su carta. Otrosy en la segunda carta se contenia en como el dicho arcediano mandava derribar la sinagoga de los Judios de Alcalá de Guadaya por la qual dicha su carta da fe en como la mando derribar et der-

ribada et que mandava que el Solar de la dicha sinagoga fuese para la fabrica de la Iglesia de Sant Miguel de la dicha villa de Alcalá de Guadaya por que asy como antes se servia en ella el Ante-Christo se sirviese despues nuestro Señor Jesuchristo para que la oviesen et fuese suya con todas sus posesiones que a la dicha casa sinagoga eran dadas et que la pudiesen vender et fissiesen dellas lo que quisiesen, en tal manera et con tal condicion que las non pudiese aver para siempre jamas Judio alguno et que si las oviesen en qualquier manera que fueren despues tornadas a la dicha Iglesia de Sant Miguel segund que todo esto et otras cosas mas cumplidamente es contenido en los traslados de las cartas del dicho Arcediano que en esta sason me fueran mostrados, en que paresce que es asi, por la qual rason dise que non tan solamente el dicho Arcediano mando derribar las dichas dos sinagogas de Alcalá de Guadaya et de Ezija como dis que mando derribar las sinagogas de Coria et de Cantillana, lugares del arzobispado de Sevilla. Otrosi que ha dado sus cartas et mandamientos para derribar las otras sinagogas de las villas et lugares del dicho arzobispado de Sevilla. Lo qual dis quel dicho Arcediano fiso en enfuerço et ayuda et favor de vos otros et otrosi con el dicho oficio de la dicha provisoria que le vos distes, en lo qual dis que han recebido et reciben mui gran daño et agravio et que estan en punto de se despoblar et yr et fuir de los mis reynos a morar et a vebir a otras partes. Otrosi disen que pues vosotros sabiedes las maneras et condiciones del dicho Arcediano, lo que avia fecho et fasia contra los dichos Judios en como pedricava et determinava en esta materia algunas cosas que eran derechamente contra el poderio apostolical, por la qual rason el Arzobispo de Sevilla aviendolo por sospechoso de eregia segun paresce por instrumento publico que ante mi fue mostrado en que paresce que es asy et lo defendio que non pedricase nin usase de poder alguno que del oviese, et pues vos le escogistes por uno de los dichos provisores et sedes tenido a todos los daños que por esta razon ellos an rescibido, et otrosi que de derecho sedes tenido vosotros et el dicho Arcediano de los refaser et adobar et reparar a vuestra costa et mision las dichas sus sinagogas que asi dis quel dicho Arcediano los derribo et mando derribar et embiaronme pedir merced que les proveyese sobrello de remedio et yo tovelo por bien et so mucho maravillado de vos en tomar et escoger al dicho Ferrand Martines Arcediano por uno de los provisores desa dicha iglesia sabiendo et seyendo certificados de todo lo que sobre dicho es. Otrosy en consentir al dicho Arcediano en faser las tales cosas como estas et non gelo extrañar et reprender dello, por lo qual afallecimiento del dicho Ferrand Martines Arcediano sodes tenidos de faser et adobar et reparar a vuestra costa et mision todas las sinagogas que asi el dicho Arcediano ovo mandado derribar et fueron derribadas. Otrosi de emendar et satisfacer a los dichos Judios o a quien este negocio atañe, et menoscabos que por esta rason les han recrecido, por que vos mando que luego vista esta mi carta que pongades en este fecho el remedio que cumple, et en proveyendo sobresto tiredes et privedes al dicho Arcediano de la dicha provisoria quel diestes, por quel con esfuerço et favor del dicho oficio non pueda faser de aqui adelante las semejantes cosas. Otrosi

que le non consintades de aqui adelante derribar nin mandedes derribar alguna nin algunas de las sinagogas de las villas et lugares del dicho arzobispado de Sevilla nin que proceda sobresta rason contra los dichos Judios nin faga contra ellos cosa alguna que non deva nin faga pedricaciones nin sermones contra ellos por que los pudiesen recrecer a ellos ni a las dichas sus sinagogas mal nin daño nin destruimiento alguno, et mas ante le constrenid et apremiad por censura eclesiastica segunt mandan los derechos que rrefaga et adobe et repare luego todas sinagogas que asy injustamente et contra derecho fiso et fueron derribadas por su mandado bien et complidamente segund que por otra mi carta gelo embio mandar, et en otra manera sed siertos que si lo asy non fisieredes nin cumplieredes et consintieredes quel dicho arcediano use mas de la dicha provisoria, que todos quantos males et daños et destruimientos por su culpa et ocasion fasta aqui an venido et vinieren de aqui adelante a los dichos Judios et a las dichas sus sinagogas que de los bienes propios de vosotros et si los vuestros bienes non alcanzaren de los bienes de la vuestra mesa capitular lo mandaremos todo pagar et refaser et emendar et satisfacer a los dichos Judios o a quien subostoviere [?], porque sea castigo a vos otros y en exemplo a todos quantos lo vieren, et los unos ni los otros non fagades ende al por alguna manera so pena de la mi merced et de mill doblas de oro a cada uno de vos para la mi Camara, et de como esta mi carta vos fuere mostrada et los unos et los otros la cumplieredes mandamos so la dicha pena a qualquier escrivano publico que para esto fuere llamado que de ende al que nos la mostrare testimonio signado con su signo porque yo sepa en como cumplides mio mandado la carta leyda dadgela. Dada en Madrid, veinte et dos dias de Desiembre, año de nacimiento de nuestro salvador Jesuchristo de mill et trescientos et noventa años. Yo, Pero Ferrandes la fis escrevir por mandado de nuestro Señor el Rey. Yo el Rey— En las espaldas de la dicha carta estan escriptos unos nombres que disen asy: Petrus Archiepiscopus Toletanus.— Yo el Conde.— Nos el Maestre.— Nos el Maestre.— Diego Furtado.— Juan de Velasco.— Pero Lopez.

Et las dichas cartas del dicho Señor Rey mostradas et leydas, el dicho Gutierre Lorenço dixo al dicho Dean et Cabildo que cumpliesen las dichas cartas segund que por ellas el dicho Señor Rey gelo embiava mandar et que de como gelo desia que pedia et pedio testimonio. E luego el dicho Dean et Cabildo tomaron las dichas cartas et dixieron que las recebian et obedecian asy como cartas de su Rey et de su Señor natural su cuya merced vevian, et dixieron a mi el dicho Alfonso Gonzales, escrivano publico, que les diese traslado dellas et que abrian su acuerdo et que responderian, el qual traslado de las dichas cartas et del dicho pedimento quel dicho Gutierre Lorenço les fiso les fue dado.

Et despues desto, Domingo quince dias del dicho mes de Enero del dicho año, un poco antes del sol puesto, dentro en la casa que disen de las Cuentas, que es dentro en la Iglesia de Santa Maria, et estando y presentes capitularmente ayuntados Don Pero Manuel Dean et Don Martin Miguell Chantre, et Don Pero Alfonso Thesorero, et Don Juleo Perez Maestre

escuela, et Don Ferrand Martinez Arcediano de Ecija, et Don Juan Sanchez Arcediano de Xerez, et Mosen Juan de Pumes Arcediano de Reyna, et Don Gutierre Perez Arcediano de Castro, et Joan Garcia et Joan Martinez et Miguel Ferrandes et Alvar Perez et Alfonso Lopez et Gonzalo Sanchez et Juan Sanchez et Juan Ferrandez et Pero Alfonso et Bartholome Martinez et Alfonso Segura et Miguel Rodriguez, todos estos canonigos et beneficiados de la dicha Iglesia de Sevilla, en presencia de mi, el dicho Alfonso Gonzalez escrivano et de los dichos escrivanos, et en presencia del dicho Don Ferrand Martinez Arcediano, el dicho Don Pero Manuel en respondiendox dixo por si et por todos los sobredichos asy personas como canonigos et por sy mandados, que vista la carta y mandado del dicho Señor Rey que otra vegada la obedecieron et avian obedecido et aun agora obedecian como carta et mandamiento de su Rey et de su Señor natural a quien Dios por su santa merced dexe vevir et reynar por muchos tiempos et luengos et buenos al su santo servicio. Que, aviendox su acuerdo et deliberación que ellos que querian cumplir mandado et servicio del dicho Señor Rey asy como en la dicha carta se contiene et que en cumpliendola luego el dicho Dean por sy et en nombre de los sobredichos asy personas como canonigos non desacordando alguno, mas aviendolo por firme, salvo el dicho Juan Ferrandez canonigo que non acordo con ellos, dixo que privaban et privaron al dicho arcediano Ferrand Martinez del oficio de la provisoria que primeramente le avian encomendado vacante la See, et que le defendian que de aqui adelante non usare del dicho oficio. Et otrosi dixo mas el dicho Dean por si et por todos los sobredichos personas et canonigos que mandava et mando al dicho Don Ferrand Martinez Arcediano que si pedicare la palabra et el evangelio de nuestro Señor Jesu Christo empero que en sus predicaciones et sermones que non dixiese algunas cosas por que pudiese recrecer algun bollicio et escandalo o mal o daño alguno contra los Judios et contra las sus sinagogas o contra alguno dellos. Otrosi mando el dicho Dean al dicho Arcediano por sy et en nombre de los sobredichos que de oy que esta respuesta es dada fasta un año primero siguiente refaga et repare o faga refaser et reparar todas las sinagogas que derribo et mando derribar en qualesquier lugar o lugares de este arzobispado de Sevilla fasta agora, siguiendo el tenor et mandamiento de la dicha carta del dicho Señor Rey. Et en todo esto que dicho es, el dicho arcediano Don Ferrand Martinez, que lo guarde et faga et cumpla en la manera que dicho es so pena de excomunion. Et dixieron que todo esto que sobredicho es davan por respuesta los dichos Dean et beneficiados sobredichos capitularmente ayuntados a la dicha carta del dicho Señor Rey et al pedimento et requerimiento quel dicho Gutierre Lorenzo avia fecho en nombre del dicho Señor Rey, et pidieron a mi el dicho Alfonso Gonzalez escrivano publico que asy de la presentacion de la dicha carta del dicho Señor Rey como del requerimiento quel dicho Gutierre Lorenzo les avia fecho, como desta respuesta aquellos davan que les diese ende un testimonio o dos o mas los que los cumpliese en publica forma para guarda de su derecho.

E luego el dicho mandamiento fecho por el dicho Dean en presencia

de los dichos personas et canonigos de la dicha Iglesia en la manera que dicha es, el dicho Don Ferrand Martinez arcediano respondio a ello et dixo que salva la Real Magestad de mi Señor el Rey que es Rey de Castilla et de Leon por la gracia de Dios, al qual el nuestro Señor Jesuchristo dio el espada para castigar a los sus subditos legos, de la qual espada dise el apostol sant Pablo non es sin rason quel Rey traya la espada delante si, la qual tiene para castigar a los malos et defender a los buenos, et asy como esta espada usa el, la qual recibio del altar de sant Pedro, asy la Iglesia de Dios que es el Papa et los Cardenales et los perlados et toda la cleresia recibieron otra espada de aquel mismo altar para castigar et corregir todos aquellos que son en orden de la cleresia, los quales escogio nuestro Señor Dios por suerte suya para defendimiento de la Santa Fe Catolica, et asy son diversas jurisdicciones, et la Santa Iglesia de Dios nin los sus clerigos non pueden ser juzgados por la jurisdiccion Real, antes la Iglesia de Dios ha menester a los Reyés et principes et a la justicia seglar que ayuden et amparen a la Santa Fe Catolica, et por aquesto dixo que decia et respondia quel dicho Señor Rey nin los que las cartas que contra el fueron dadas firmaron non lo pudieron faser por quanto el era et es de la jurisdiccion de la Iglesia nin ellos nin el dicho dean nin los sobredichos non pueden proceder contra mi nin privar de mi oficio de la provisoria en el qual perfectamente uze et uzaba en mandar que fisiese et reparasse las dichas casas del diablo que son de las sinagogas de Satanas, en las quales especialmente se maldice Ihesuchristo tres vegadas cada dia et al Rey et a todo el pueblo Christiano. Ante dixo mas que todas quantas sinagogas maldichas ha en el Reyno se deficaron et se alzaron despues que las leyes et canones mandaron que non se fisiesen nin se deficasen en algun tiempo do el nombre de Ihesuchristo se alavava. Et porque tal sentencia et mandamiento como este que lo avian fecho era fecho por aquellos que non eran mis jueces episcopi jure, era ninguno et por tanto non era y necesario de tal sentencia et mandamiento apelar, pero que dixo que por quanto era este pleito de Ihesuchristo et de la Santa Fe Catolica que apelava et lo ponia en el su santo juicio et pediria que lo judgasse et lo defendiesse et diese penetencia aquel que en este caso fiso contra sus mandamientos, salva siempre la Real Magestad di mi Señor el Rey, el qual es digno de misericordia en lo que ignorante fesia. Quanto mas que dixo, que en este pleito non fuera demandado nin oydo nin vencido ante quien devia nin como devian, guardada la orden quel derecho quiere en este caso, mas que por sola acusacion que le fisieron los traydores enemigos de la Fe fue luego sin abdiencia condempnado et dadas cartas que se fisiese execucion non se poniendo en las dichas cartas si era asy como quiera que aunque non se ponga de derecho se entiende et que esto dava por respuesta, protestando que todo tiempo la pudiese corregir et emendar et añadir et menguar. Quanto mas que dixo que las sinagogas que derribo que esta presto de provar quel Arzobispo Don Pedro las mando derribar et las dio a sus escuderos que las vendiesen et fisiesen dellas lo que quisiesen por quanto eran deficadas contra la santa Iglesia de Dios et sin licencia de alguna persona.

Et aun dixo el dicho Arcediano quel fisiera derrocar, veviendo el dicho Arzobispo, dos mal dichas sinagogas, la una en el corral de los tromperos et la otra en la varrera de Don Enrique antiguas, las quales estan derribadas oy dia, de lo qual dixo que non se arrepentia porque las mandava derrocar, et que esto dava por respuesta.

Et de todo esto en como paso el dicho Gutierre Lorenzo pedio a mi el dicho Alfonso Gonzalez escrivano publico que le diese un testimonio o mas si menester oviese para la mostrar al dicho Señor Rey et alli o deviese. Et otrosy los dichos Dean et personas et canonigos et el dicho Don Ferrand Martinez arcediano pidieron a mi el dicho Alfonso Gonzalez escrivano publico que les diese ende sendos testimonios o mas sy menester oviesen para guarda de su derecho, et yo digelos a cada una de las dichas partes el suyo que fueron fechos en los dichos dias, mes et año sobredicho. Ay sobre-scripto entre renglones odis agora et odis sobre, et odis Christo et non le empesca, et ay raydo et emendado odis avian et odis merced et odis priveron, et odis altar, en non le empesca.

Yo Andres Gonzales, escrivano de Sevilla, so testigo. Yo Diego Ferrandes, escrivano de Sevilla, so testigo. Et yo Alfonso Gonzalez escrivano publico de Sevilla la fiz escribir, fuy presente a todo lo sobredicho, fis en el mio signo, so testigo.

Esta esta respuesta en tres pleigos de papel empalmados por lo angosto y cosidos con hilo y cada uno esta rubricado en la espalda por el mismo Alfonso Gonzalez. Letra notariesca.

RADISSON AND GROSEILLIERS: PROBLEMS IN EARLY WESTERN HISTORY

THE publication in 1885 of the journal of Pierre-Esprit Radisson,¹ a French explorer of the middle part of the seventeenth century, gave students of western history several hard problems to solve, and the process of solution is not yet finished. The questions raised were as important as they were interesting; for, among other things, the discovery of the upper Mississippi River was involved. Radisson clearly claims that honor for himself and his brother-in-law and constant companion, Medard Chouart des Groseilliers,² he asserting that they went far down that river upon their first western voyage, which, if it took place at all, must have taken place nearly twenty years before the famous journey of Joliet and Marquette in 1673.

Radisson's claim to the honor of the discovery of the upper Mississippi River has been passed upon and approved by very respectable authority,³ and yet it seems destined to go the way of some of Hennepin's stories, of La Hontan's fables, and of Margry's bubble.

In his account of his western voyages Radisson rarely gives the date of the month, and in not a single instance does he record the year in an exact manner. By his neglect in this respect he has caused no end of trouble and confusion. For instance, Benja-

¹ Published by the Prince Society of Boston and edited by Gideon D. Scull of London. Radisson's narratives of his earlier experiences and western explorations, written in 1665, after ill-treatment by the French had driven him to seek patronage in England, were in the possession of Charles II.'s secretary of the admiralty, Samuel Pepys, whose diary is familiar to every lover of quaint literature. Most of the Pepys manuscripts became scattered, some were destroyed, but Radisson's narratives of his first four voyages were rescued by collectors and are now in the Bodleian Library. His Hudson Bay narratives are in the British Museum.

² A native probably of Touraine, born about 1621, who settled in New France in early youth. His first wife was a daughter of the pilot Abraham, after whom the Plains of Abraham are named. She was a goddaughter of the great Champlain, and a namesake — Hélène — of Champlain's girl-wife. She died in 1651, leaving a son, also named Medard, who figured, like his father, in the history of Hudson Bay. In 1653 Groseilliers married Radisson's sister Margaret. She, as well as his first wife, was a widow when he married her.

³ *Story of Wisconsin*, R. G. Thwaites; *Wisconsin Hist. Coll.*, XI. 66; S. S. Heberd, *Wisconsin under French Dominion*; Sulte, *History of the French Canadians*.

min Sulte,¹ the French-Canadian historian, is of the opinion that the first voyage of Radisson and Groseilliers is identical with that of the two nameless Frenchmen mentioned in the *Jesuit Relations* of 1656, who returned to New France in that year after an absence of two years, having penetrated beyond Lake Michigan. Other writers, notably N. E. Dionne,² the learned librarian of the legislature of the province of Quebec, declare that the first voyage west took place between 1658 and 1660. Dionne places the second western voyage between 1661 and 1663, and this view is generally accepted by those who believe that the first voyage terminated in 1660. Sulte, on the other hand, states that the second western journey came to an end in 1660, and the late Dr. Edward D. Neill, of St. Paul, Minnesota,³ assigns the same date for the termination of Radisson and Groseilliers' Lake Superior voyage, which was their second voyage.

That there should be any question as to the time when the second voyage ended is a matter of some surprise. It is convenient, for the purpose of this article, to consider this voyage first.

For two hundred years the identity of the two daring Frenchmen, mentioned in the *Jesuit Relations* of 1660, who arrived at Quebec in August of that year, with three hundred Algonquins paddling sixty canoes laden with furs, was a mystery. These two Frenchmen, according to the *Relations*, had spent the previous winter upon the shores of Lake Superior; had found at six days' journey toward the southwest from that lake the remnants of the Petuns, a Huron tribe whom the persecutions of the Iroquois had before that time driven westward even of the Mississippi River; these two Frenchmen had baptized children dying of disease and famine; had made several excursions to neighboring tribes, and had visited the Nadouessioux, a Dakota nation, among whom they saw women with their noses cut off and with a round piece of scalp torn off the tops of their heads—the punishment for adultery. The two intrepid explorers, when they returned to the St. Lawrence settlements, told the Jesuits how numerous the Sioux were, and how these savages covered their huts with furs or made themselves dwellings of clay. The *Relations* also quote the two Frenchmen as saying that the Sioux, being in a woodless country, made fire with mineral coal.

¹ *History of the French Canadians.*

² *Chouart et Radisson*, in *Memoirs of the Royal Society of Canada*, 1893 and 1894.

³ *Discovery along the Great Lakes*, in the *Narrative and Critical History of America*, edited by Justin Winsor.

The *Journal of the Jesuits* for 1660 supplies the name of one of these two voyageurs, the following passage being found in it: "On the 17th [August] Monseigneur of Petræ [Laval, who afterwards became the first bishop of Quebec] left for his visit. . . . He arrived at Montreal on the 21st, . . . where the Ottawas had arrived on the 19th. They were in number three hundred. Des Grosillères was in their company, who had gone to them the year before. They had departed from Lake Superior with one hundred canoes; forty turned back, and sixty arrived, loaded with peltry to the value of 200,000 livres. At Montreal they left to the value of 50,000 livres, and brought the rest to Three Rivers. They come in twenty-six days, but are two months in going back. Des Grosillers wintered with the Bœuf tribe, who were about four thousand, and belonged to the sedentary Nadoueseronons. The Father Menar, the Father Albanel, and six other Frenchmen went back with them." Father Albanel did not go very far, being abandoned by the Indians before he had really gone beyond the French settlements, but Father Menard went on to the Lake Superior country and to his death in the wilds of northwestern Wisconsin.

Des Groseilliers had been in the employ of the Jesuits, and he was therefore very well known to them; besides, he was considerably older than Radisson was, and would naturally be looked upon as the leader of the expedition, as he probably was in fact; and very likely it is for these reasons that he only is mentioned in the *Journal of the Jesuits*. The *Jesuit Relations* show that there were two voyageurs in the party which returned to Quebec from Lake Superior in August, 1660; the *Journal of the Jesuits* shows that one of these was Groseilliers, and Radisson himself states that he was the other.

In the main Radisson's account tallies very well with the *Jesuit Relations* and with the *Journal of the Jesuits*. He relates that when he and Groseilliers arrived at Chequamegon Bay, on Lake Superior, the Hurons with whom they had gone west stated that the place where their tribe had taken refuge was five great days' journey inland. The *Relations* state that the voyageurs had found the Hurons at six days' journey toward the southwest from Lake Superior. Radisson and Groseilliers soon went to the Huron village, and with the Hurons they spent the following winter, during which hundreds of Indians—many Ottawas had joined them in the meantime—died of famine. The *Relations*, it will be remembered, mention Indian children who died of disease and famine. Later the voyageurs and their Indian companions wandered into the Mille Lacs region of Minnesota and were soon

visited by "ambassadors" of the Nadoneseronons (Nadouessioux, Nation of the Bœuf), who, among other things, wept upon the heads of the two Frenchmen "untill we weare wetted by their tears," — something which the Sioux were wont to do, as early explorers and historians abundantly testify. Radisson says that he and Groseilliers afterwards visited the Nation of the Bœuf, finding a town where there were great cabins covered with skins and mats; where, in punishment for adultery, noses were cut off, and often the scalp at the crown, and where, there being no wood, moss was used for making fires.

Taking all the circumstances into consideration, it would not be easy to find three distinct accounts of one expedition into a strange country that tallied more closely than do the accounts of that voyage to Lake Superior which we find in the *Jesuit Relations*, the *Journal of the Jesuits*, and Radisson's *Journal*. The return of Radisson and Groseilliers from their second trip, the one to Lake Superior, in August, 1660, is thus fully proven.¹

This was the last journey that Radisson claims to have made to the west. His own journal furnishes evidence that the voyage terminated in August, 1660. In speaking of the journey homeward he states that they passed the Long Sault, on the Ottawa River, shortly after the defeat and death of Dollard and his band of heroes. That tragedy occurred on May 21, 1660. Furthermore, in describing the westward part of this voyage, Radisson draws a very vivid picture of the Grand Portal, near Munissing, on the south shore of Lake Superior, and declares that he was the first Christian that ever saw it. Had his voyage to the head of Lake Superior taken place after 1660, Radisson would not have been the first Christian to see the Grand Portal, for Father Menard passed it² in the fall of 1660 before he reached Keweenaw Bay.

Right here it may not be out of place to speak of a widespread error that has been made regarding Radisson and Groseilliers and Father Menard. In several standard historical works³ it is stated that Father Menard accompanied Radisson and Groseilliers on their second westward trip. The mistake has been made so often, and by such excellent writers, that it is generally believed. But

¹ This is substantially the view taken of the question by the Rev. Chrysostom Verwyst, O.S.F., the learned author of *Missionary Labors of Fathers Marquette, Menard, and Allouez in the Lake Superior Region*. There is not living any better authority on early Northwestern history. This reverend gentleman, by the way, absolutely repudiates Radisson's third voyage, pronouncing it a fabrication.

² *Jesuit Relations*, 1664.

³ Dr. Neill's *Discovery along the Great Lakes*, already quoted, and *From Cartier to Frontenac*, by Justin Winsor.

that it is an error is plain. The cause of the error is equally plain. It will be noticed that in the part of the *Journal of the Jesuits* which has just been quoted it is stated that "Father Menar . . . went back with them." "Them" means the Ottawas, not Groseilliers and his companion, who, according to Radisson himself, never went west after the voyage which ended in 1660. A misunderstanding of the pronoun "them" and a consequent belief that Radisson and Groseilliers went west again are responsible for the erroneous statement that they went west again in 1660 and were accompanied by Father Menard. Some writers who have fallen into this mistake contend that the *Journal of the Jesuits* is chronicling the return of Radisson and Groseilliers from their first voyage, but they take this position in the face of the fact that Radisson himself says that they rested a year after the first voyage to the west, and that another entry in the *Journal of the Jesuits* shows that Groseilliers was in Quebec in May, 1662, at which time these writers contend that he was in the Lake Superior country.

Radisson says that the second western voyage took two years. Passing Sault Ste. Marie and an island to which they gave the name of Four Beggars, as well as a river, apparently Little Iron River, they skirted the south shore of Lake Superior, passing the Pictured Rocks and the Huron islands. They camped at the mouth of Huron River, portaged across Keweenaw point and finally reached Chequamegon Bay, Wisconsin, where they built a little fort—the first building erected by white men on Lake Superior—and dwelt therein while their Huron companions went to visit their families and countrymen. They themselves visited the Huron tribe afterward, and the following spring, after visiting the Nadouessioux, Radisson says that in company with some Christinos (who, under the name of Crees, are still found north of the lake region, in British America), they went to the Bay of the North, as he calls Hudson Bay. On the shore, probably of James Bay, they saw a barrack which had been built by white men. The Indians of that region told them of the presence of white men in those waters at a previous time. Our explorers returned by the way by which they had come, except that they revisited a fort which "the nations of the north" had built in Minnesota, west of Lake Superior, when the two explorers had been there nearly a year before, and at the fort they spent the latter part of the second winter. They started home in the spring.

The *Journal of the Jesuits* for 1660 states that it was "the year before" that Groseilliers joined the Ottawas with whom he returned to Quebec in August of that year. Does this necessarily

mean, as some writers, Sulte among the number, tacitly contend, that Radisson and Groseilliers were absent on this voyage only one year? The statement in the *Journal of the Jesuits* is certainly vague, and it has been found,¹ moreover, that Pierre-Esprit Radisson was godfather to Marguerite, daughter of Medard Chouart (Groseilliers) on April 15, 1659, Father Menard, who was then stationed at Three Rivers, performing the ceremony of baptism. But Dionne, the principal merit of whose work — the most recent one on the subject — is the genealogical research that it shows, asserts that there were at Three Rivers two men named Pierre-Esprit Radisson, one of them our voyageur and the other probably his uncle. The elder Pierre-Esprit Radisson, according to Dionne, was the father of Elizabeth Radisson, who has been put down by some writers as the daughter of our explorer and by others as his sister. She married Claude Jutras. It was the elder Pierre-Esprit Radisson, not our voyageur, that Madeleine Henault married, if Dionne be correct.

Radisson's *Journal* seems to bear out the position taken by Dionne. He mentions his parents at Three Rivers, and his sisters, but does not mention having a wife in New France. Besides, Dionne says that Sébastien-Hayet Radisson, our voyageur's father, lived at St. Malo, in Brittany, before coming to New France, whereas the Pierre-Esprit Radisson who married Madeleine Henault belonged to a parish in Paris before settling in New France. As Radisson was very young when Three Rivers became his home, it is reasonable to suppose that his parish and his father's parish in France were identical; and if they were, then there must have been two men named Pierre-Esprit Radisson at Three Rivers, and the elder may have been the godfather of Chouart's child in April, 1659.

On the whole, therefore, it cannot be said that there is sufficient ground for rejecting Radisson's statement that this voyage to the Lake Superior country took two years, and that during it he and Groseilliers visited the waters of Hudson Bay. There is contemporary authority for this position. Noël Jérémie, in his *Hudson Bay Relation*, states that Groseilliers not only penetrated to Hudson Bay, but to Manitoba as well. That he did go to Hudson Bay from Lake Superior is indicated by the fact that Pigeon River, near Grand Portage, on the north shore of Lake Superior, bore his name on several of the early maps.² It was the first time that white men reached Hudson Bay by an inland route.

¹ Sulte, *History of the French Canadians*.

² Including Franquelin's, 1688.

It would be well for the memory of Pierre-Esprit Radisson if his narrative of his first voyage west were as unimpeachable as that of his second voyage west—the last one. The claim that he and Groseilliers were the first white men to reach the upper Mississippi River is based upon his account of his first voyage. This voyage took three years and two months, according to Radisson, and if it took place at all, it must have been at a period previous to the journey to the Lake Superior country, from which Radisson and Groseilliers returned in August, 1660. Radisson says in several different ways that it preceded the Lake Superior and Hudson Bay voyage; and besides, we know that the two men were otherwise engaged after 1660.

The date generally given for Radisson's arrival in New France is May 24, 1651. Groseilliers had preceded him at least ten years. The year after Radisson's arrival in New France, as he himself states, he was captured by the Mohawks while he was hunting in the vicinity of Three Rivers, and his captors took him to their village, where he was adopted by an aged chieftain. Not long afterwards he attempted to escape, he and an Algonquin Indian killing three Mohawks with whom they were hunting, but he was recaptured and subjected to excruciating torture. His Indian parents had difficulty in saving his life. In October, 1653, he fled to the Dutch at Albany, at that time called Fort Orange. At that place he met a French Jesuit whom the Iroquois had captured, and he says that the Jesuit assisted him. Père Poncet, in his own *Relation*,¹ states that he was captured by the Mohawks in August, 1653; that shortly afterwards he was delivered, and that while at Fort Orange "a young man taken at Three Rivers by the Iroquois and ransomed by the Hollanders" called upon him and said that he would go to confession the next day. Thus Père Poncet not only corroborates what Radisson says about his escape from captivity in the Mohawk country, which he calls his first voyage, but he fixes the time of that captivity. From Albany Radisson went to Manhattan, now New York, whence he sailed for Holland, thence going to France. He returned to Three Rivers in May, 1654.

The next voyage that he describes, likewise an individual experience, he made as a member of the little band of Frenchmen which went to the Onondaga country to guard the Jesuits Paul Ragueneau and François Dupéron. He describes the manner in which the wonderful escape of the garrison was planned and effected after it became known that the Iroquois were plotting

¹ *Jesuit Relations*, 1653.

to kill all, and he distinctly states that he went back to the French settlements with the other colonists to the Onondaga country. This party returned in April, 1658. If Radisson's account of the voyage to Lake Superior and Hudson Bay, from which they returned in August, 1660, be correct, the two men must have started west within two or three months after Radisson's return from the Onondaga country in the early spring of 1658.

What, in view of these facts, becomes of Radisson's narrative of the first western voyage, the one during which they reached the upper Mississippi River? He asserts that this voyage took place between the mission to the Onondagas and the voyage to Lake Superior, but we have seen that the voyage to Lake Superior, according to Radisson's own statement, corroborated by the Jesuit *Relations* and the *Journal of the Jesuits*, followed closely upon the heels of Radisson's return from the Onondaga country. Radisson's third voyage—the first one to the west—did not take place when he says that it did, and that it ever took place may well be doubted. Radisson has impeached his own testimony.

Another interesting question arises: Were Radisson and Groseilliers the two nameless Frenchmen, mentioned in the *Jesuit Relations* of 1656, who went west beyond Lake Michigan, and visited the Maskouten Indians on the upper Fox River, Wisconsin, between 1654 and 1656?

It is a singular fact that Radisson's whereabouts during that period are unaccounted for. There is a blank in the record of his life between May, 1654, when he returned from his captivity among the Mohawks, and early in 1657, when he says that he went to the Onondaga country. It is also a singular fact that the whereabouts of Groseilliers cannot be accounted for from February, 1654, when, according to Sulte, he was sergeant-major of the garrison at Three Rivers, to September 29, 1656, when he was again at Three Rivers.

When Radisson returned from France early in the spring or 1654, he found that Groseilliers had married his sister Margaret the summer before. The two men at once formed that mutual friendship which is perhaps the brightest spot in their checkered careers. It is possible that they resolved upon a voyage of discovery to the far west and that they are the two nameless Frenchmen of whom the *Jesuit Relations* of 1656 speak. Sulte is quite confident that such is the case, but the question is most complicated.

The *Relations* state that the two nameless Frenchmen left

Quebec on August 6, 1654, in company with a troop of Ottawas. Radisson says that he and Groseilliers left about the middle of June (no year given), but he contradicts his own statement as to the time of the year at which they left when he says that they picked blackberries "not full ripe" before they reached Lake Nipissing, which they must have reached by July 1 if they left in the middle of June. Blackberries ripen in the upper lake country about September 1. The two nameless Frenchmen, whose journey began on August 6, must have reached the Lake Nipissing district just before blackberries were entirely ripe, but Radisson and Groseilliers, if they started west in the middle of June, would have found very green blackberries when they reached that section.

Radisson states that on this voyage they made almost a complete circuit of Lake Huron, soon passing the place where the Jesuit missions among the Hurons had been, and that afterward they came to a large island where they found some Hurons. It is generally asserted that this island is Grand Manitoulin. But to go from the northeastern coast of Michigan to that island would be dangerous, the distance between the nearest points being about forty miles across open water, more than a day's journey in a canoe; and besides, not only was Grand Manitoulin out of their way, but they would almost be doubling their tracks by going to it. Speaking of this island, Radisson says: "You must know that we passed a strait some three leagues beyond that place. The wildmen give it a name; it is another lake, but not so bigg as that we passed before." The strait seems to be that of Michilimackinac, and the other lake is apparently Lake Michigan. In this case the large island must be Bois Blanc, which has a shore line of about thirty-five miles. What makes all this significant is that in 1654 the fugitive Hurons were really in the Michilimackinac country, where Radisson says that he found them.

Our two Frenchmen, like the nameless Frenchmen of 1654-1656, visited the Pottawatamies and the Maskoutens, the latter in the interior of Wisconsin. Radisson and Groseilliers, like the two nameless Frenchmen, were delayed in returning the first spring by the Indians. Their return, likewise, caused great joy in the colony, and salvos of artillery were also fired in their honor from the battlements of Quebec. We have already observed that the whereabouts of Radisson and Groseilliers from 1654 to 1656 can be accounted for in no other way than by making them identical with the two nameless Frenchmen; and, moreover, Radisson and Groseilliers, if they were the two nameless Frenchmen, would have

had a year in which to rest, after their return, as Radisson says that they did.

Radisson himself furnishes a formidable argument against the theory that he and Groseilliers were the two nameless Frenchmen of 1654-1656. In addition to placing the first voyage west immediately before the second western voyage, he states that the former took three years. In another place he says, speaking of this voyage, that two years had elapsed, and that he and Groseilliers would not be able to return to the French settlements for another year. And near the end of his narrative of the voyage he says that it had taken three years and two months. Hence it cannot be, as some writers have tried to make it appear, that he wrote three years by mistake. The voyage of the two nameless Frenchmen took exactly two years.¹

Radisson wrote his journal in 1665, after he had gone over to the English service; and if, instead of his third voyage's being a fabrication from beginning to end, he and Groseilliers were the two nameless Frenchmen, he added some notes about countries that he had never seen, and lengthened the time that it took to make the voyage so that it would correspond with the additional field that the voyage covered on paper. He contradicts himself as to the time when the first voyage west began, if it really did begin at all; and if he added two months to the beginning of the journey, he would not have hesitated to add a year to the end. His object, whether the first voyage is a fabrication in whole or simply in part, was to get as much prestige as possible in England. His journal was written years before Joliet and Marquette's discovery; hence his story did not spring from their discovery or from a desire to steal their fame.

There are other arguments against the theory that Radisson and Groseilliers were the two nameless Frenchmen of 1654-1656. Radisson says that he had five hundred Indians with him when he returned from his first western voyage; no authority mentions more than three hundred in connection with the two nameless explorers. Radisson does not mention in his journal the great and populous nation of the Illinois, which the nameless Frenchmen described to the Jesuits. Radisson writes that, after arriving at Three Rivers, he led five hundred Indians against the Iroquois, and dispersed them; but the battle is not recorded elsewhere. Radisson says that, in returning to their country, the western Indians had no encounter with the enemy, but the Indians who accompanied the nameless Frenchmen to the French settlements

¹ *Jesuit Relations*, 1656.

were attacked by Iroquois upon their return journey, and Father Garreau, who was going west with them, was mortally wounded during the encounter. It should be borne in mind, however, that in the order in which Radisson places his first voyage west, the killing of Father Garreau would have been too old an incident for him to use.

It is impossible to decipher clearly Radisson's account of his third voyage—his first western journey. He mentions Sault Ste. Marie,—of course not by that name,—and he appears to have spent a winter near the mouth of Green Bay, with the Pottawatamies, and another winter with the Christinos near the outlet of Lake Superior. He evidently claims to have gone down the Mississippi River many hundred miles, probably as far as Joliet and Marquette did, for he speaks of going to the river, describing it in unmistakable terms; and he also speaks of going to a country where it never snowed nor froze, where two crops were raised in one year, where he heard of Spanish ships upon salt water (the Gulf of Mexico), and where he saw articles that the Indians had, including beads, which indicated the presence of Spaniards at no great distance. How he approached the Mississippi is very far from being plain.

The writer thinks that it is possible that Radisson and Groseilliers were the two nameless Frenchmen of 1654–1656, but that, even if they were, Radisson's narrative of the voyage is virtually worthless; for, as much of it must have been fabricated, none of it can be implicitly believed except so far as the *Jesuit Relations* substantiate it. Radisson's claim to the discovery of the upper Mississippi River must be rejected on account of this uncertainty.

There is a dispute as to the route that Radisson and Groseilliers took in going west. M. Dionne of Quebec, as well as M. Prud'homme of Manitoba,¹ assert that they went by way of lakes Ontario and Erie, passing Niagara Falls and Detroit, on their second voyage west. This is a mistake, due to Radisson's exaggerated description of a waterfall that they passed, and which these writers thought to have been Niagara Falls. The actual route was the one that Jean Nicolet had taken years before,²—up the Ottawa, thence to Lake Nipissing, down French River to Georgian Bay, and thence west. The river of the meadows which Radisson mentions is the Ottawa River, which, between the time when it ceased to be known as the Grand River of the Algonquins—the

¹ *Historical Notes on the Life of P. E. Radisson*, by L. A. Prud'homme, St. Boniface, Manitoba, — a most excellent epitome of Radisson's narratives.

² In 1634, when he went up the Fox River, Wisconsin, and visited the Maskoutens.

name that Champlain and Father Sagard gave it — and the time when it received its present name, was known as the River of the Prairies, which word in French means about the same as meadows. Radisson's lake of the castors is Lake Nipissing, and the name that he gave it was derived either from the fact that the Amikoue (Castor or Beaver) Indians lived in that region, or from there having been at one time an abundance of castors in the lake. The river of the sorcerers, as Radisson calls it, is, of course, French River, along which dwelt the Nipissing Indians, who were called Sorcerers by the French. Radisson's "first great lake" is Lake Huron.

Radisson and Groseilliers were certainly two of the most enterprising and intrepid explorers that ever set out from New France, the home of the voyageur and of the *coureur des bois*. Radisson's false statements about their first voyage, while they materially impair his personal reputation, cannot greatly lessen their fame as explorers. They were the first white men to reach Lake Superior; they were the first explorers of northwestern Wisconsin and of Minnesota, and perhaps the pioneer explorers, by an inland route, of Hudson Bay. They were the founders of the great Hudson Bay Company, which fact alone makes them worthy of a permanent place in history.

HENRY COLIN CAMPBELL.

THE WHIGS OF COLONIAL NEW YORK

A REMARKABLE feature of political life in the colony of New York during the eighteenth century is the leadership of lawyers, especially upon the popular side. That political initiative which was assumed in other colonies by the rural squires, by rich merchants, or by clergymen, lay in New York in the hands of the advocates. The DeLanceys at the head of the party of prerogative were pitted against Smiths and Livingstons, Whig champions of the people. To them all, and to their familiarity with English law and history, was due the systematic expansion of powers of the popular organ of government in the colony. To them was also due an unusual adroitness in clever partisan management in petty as well as in great affairs, as when the DeLanceys reduced Chief-Justice Morris' salary by one-half, or as when the tearful eloquence of the elder Smith diminished the poll for the aristocratic candidate by ensuring the disfranchisement of the Jews.

In numbers and in learning, though not in shrewdness, the aristocratic DeLanceys were overmatched by their opponents. It has often been remarked that a Presbyterian community breeds able lawyers. Cadwalader Colden was not the only Tory politician to observe with some asperity that all the popular leaders of his day were both lawyers and Presbyterians. That supreme conception of law and justice which is inherent in the creed of Calvin was the mainspring of the whole popular party in New York, just as it was the mainspring of the whole polity in New England. Without this leaven, New York colonial politics would have lacked form and direction and would have been little more than a puerile scramble of petty oligarchies.

The importance of the personal influence of single individuals is as marked in this period of New York's history as it was in the seventeenth century; but politics became, in the eighteenth century, far more a family inheritance than it had been in the former time. The lawyers of eminence founded powerful families of their own, or made connections with the large and wealthy merchant clans of Dutch and English blood. Some of them did both. The DeLancey blood blended with that of half of the aristocratic

families of the first rank along the Hudson valley. The Livingstons, Van Cortlandts, and Beekmans were equally intertwined. Rival oligarchies like these might play the part of Florentine Bianchi and Neri, but they were likely to combine against a governor who was excessively arrogant, as Cosby discovered, or against a populace which dared to elevate leaders of its own, as the Sons of Liberty realized.

The lines of cleavage between political parties and religious denominations were virtually identical, and the mutual animosity of the two English churches, Episcopalian and Presbyterian, was the most potent political force in the colony. In the outlying districts the unfriendly denominations were not brought into close juxtaposition. The Anglicans possessed scarcely a foothold on the upper Hudson. In and around Albany, Dutch and English Presbyterianism reigned supreme, and the Scotch-Irish Presbyterians of Ulster County were almost as unanimous as the Yankee farmers of Long Island.

But in New York City there was a root of bitterness, which grew in the sight of all men, and which defied eradication. For the beginning of this bitterness Leisler and his partisans were responsible. For the worst features of its development, Presbyterians and Episcopalians were blameworthy. The Anglican Church was very small, embracing less than one-tenth of the population, but the constant favor of the royal governors gave it social prestige and the allegiance of the official class. An overwhelming majority of its members, as in all the northern colonies, adhered to the aristocratic or Tory party. Strong in wealth and in executive support, the Episcopalians took advantage of a dubious law to claim a semi-establishment in four counties. They laid forcible hands on Presbyterian churches and parsonages, and they persecuted and prosecuted Presbyterian ministers for unlicensed preaching. They prevented the Presbyterian church of the city from securing incorporation, so that the latter was compelled to deed its property to the Scottish Kirk in order to acquire a legal status.

The Presbyterians, though strong in numbers, were poor, and therefore weak in social and political influence, but they surpassed their Episcopalian opponents in boldness of purpose and in vigor of invective. The spirits of Laud and Cromwell, however quiescent in England, were still as militant as ever in the colonies, and the descendants of the Puritans looked upon their Episcopalian neighbors as the servants of the power which would gladly strangle both civil and religious liberty. The balance of power belonged to the Dutch Reformed Church, more numerous than the Pres-

byterians everywhere except upon Long Island, and as well provided with families of wealth and distinction as the Episcopalian community. In spirit and polity it was harmonious with the Presbyterian denomination, and equally opposed to the Anglican communion. As in the days of Leisler, however, the sentiment of caste was stronger than the Calvinist unity, and the major part of the wealthy Dutch families, albeit a small minority of the community, preferred to array themselves socially and politically with the congenial Anglican aristocracy. The non-conformist body as a whole, whether Presbyterian or Dutch Reformed, was inclined to resent their conduct as treacherous. Under a freehold suffrage, however, the wealthy families could by combinations exert a disproportionate influence at the elections, and direct the course of public affairs unless overthrown by some unusual agitation. In such social affiliations lay the strength of the DeLanceys.

In 1748, the irritation between the two English churches was inflamed by the scheme of Rev. Dr. Secker, afterwards Archbishop of Canterbury, to enforce the Acts of Supremacy and Uniformity throughout the English colonies. The desire of some resident Anglican clergy for an American bishop or house of bishops increased the inflammation. Injudicious management concentrated all the contending acrid humors upon the project for the foundation of a college in New York City. Leading members of the Anglican communion were among the most prominent promoters of this plan. They naturally wished to have a school for their children under the influence of the Church, as Yale and Harvard, in New England, were entirely controlled by denomina-

But in order to provide an ally had authorized a public d, in 1751, to £3443. The of the followers of James in trustees, of whom seven ie Dutch Church, and one, n. These trustees outlined Episcopalianism the perpetual there was an outcry from d that a school fostered by rved identification with any

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ties. The common people were quite ripe e Secker proposition, the plan for a new and Tory sympathies of the DeLancey one great whole. A political party at suggestion was made by William

This young man, whom this agitation developed into the most prominent leader of the popular party, was a grandson of cunning Robert, who had been Leisler's foe and the first lord of the Livingston Manor. Born in Albany, in November, 1723, William Livingston was reared in luxury, and, before he had completed his fourteenth year, followed three of his older brothers to Yale College. Upon his graduation, in 1741, he devoted himself to the study of law under the tuition of two veteran Whig advocates and leaders, Messrs. James Alexander and William Smith, sr. In their offices, Livingston joined a group of young lawyers who derived in common their culture from Yale, and their legal and political prepossessions from Smith and Alexander. Mr. Alexander's son, William, who, under the title of Lord Stirling, was prominent upon the American side in the early years of the Revolution, was a comrade of the Livingston brothers. William Livingston's most intimate associates were William Smith, jr., the historian; the latter's cousin, William Peartree Smith; and John Morin Scott, who was graduated from Yale in 1746. In ecclesiastical matters, the Livingstons and their comrades were sturdy Calvinists, and William Livingston was more strict in principle and in observance than most of those who were his social equals. The aristocratic clique was well aware of the latent possibilities in this promising legal coterie. The younger Smith inherited his father's legal abilities, and Livingston acquired fame as a wit and a scholar. The pride of his family forbade that absorption in the plebeian study of art which he at first contemplated, but he relieved the tedium of his profession with the mechanical arts, with the practice of agriculture, and with literary composition. A native impatience and acerbity of temper predisposed him to satire, and his earliest prose essays were pasquinades. So prone was he in early life to indulge in sweeping criticism, that a young lady of his acquaintance, with some allusion to his length of lean body, fastened upon him the nickname of "the whipping-post." Livingston drew his own picture as "a long-nosed, long-chinned, ugly-looking fellow."

The sober second thought corrected the impulse to petulance, and experience ripened in his disposition an abundant measure of sweet and healthy independence. Moral courage was his predominant quality. If he had been more pliant, less truthful and less impartial, he would have been more famous as a political leader, and might never have surrendered the leadership of New York democracy into less worthy hands. Before he had definitely formed his political preferences, one of the DeLanceys said to

him familiarly: "Will, you would be the cleverest fellow in the world, if you were only one of us." "I will try to be a clever fellow," was the blunt answer, "without being one of you." The death of Livingston's father, in 1749, probably removed a restraint from the son's political freedom, for Mr. Philip Livingston, although he had never bowed the knee to DeLancey, was the last of his family to sympathize with the aristocratic and Tory notions of political conduct.

William Livingston and his friends, ambitious to leaven the lump around them, formed early in 1752 an association called "The Whig Club," which assembled weekly at "The King's Arms" tavern, and drank to the immortal memories of Oliver Cromwell and John Hampden. Moved by such inspiration, William Livingston began on the 30th of November of the same year, the publication of *The Independent Reflector*, a paper founded — so Livingston said in the prospectus — "to oppose superstition, bigotry, priestcraft, tyranny, servitude, public mismanagement and dishonesty in office." The youthful fervor with which the editor began to fulfil this comprehensive programme delighted his friends of the popular party, but polite society in general stood aghast. The mayor of the city urged the grand jury to indict for libel. The Episcopal clergy denounced Livingston as a libertine and infidel, and one declared from the pulpit that the editor of the *Reflector* was the Gog and Magog foretold in the Apocalypse. This discovery Livingston gravely accepted as a compliment, in succeeding issues of his journal.

As soon as the question of sectarian influence in the new college was fairly broached, Livingston transformed *The Reflector* into a battery from which the heroes of the Whig Club poured a raking fire into the history, dogmas, and aristocratic sympathies of the Established Church of England. Upon their flag they inscribed the legend "Non-sectarian education." The answering volley was fired by the Anglican clergy of the city from the columns of Hugh Gaines' *Mercury*, which was the official and aristocratic organ. In the ardor of combat the controversy ranged over the whole field of religious belief and practice. Livingston became almost as excited, though not so incoherent, as the clerical interpreter of the visions at Patmos. He scandalized the devout churchmen by printing what he called his "creed," significantly framed in thirty-nine articles. Some of the tersest and most pungent of these may illustrate the character of the fray.

"Article 7. I believe that to defend the Christian religion is one thing, and to knock a man on the head for being of a different opinion is another thing."

"Article 13. I believe that riches, ornaments, and ceremonies were assumed by the churches for the same reason that garments were invented by our first parents."

"Article 17. I believe that our faith, like our stomachs, may be overcharged, especially if we are prohibited to chew what we are commanded to swallow."

It is not strange that Rev. Samuel Johnson read such sentences as these with just that consecrated misunderstanding to which such excellent men are often liable. He wrote in melancholy fashion to Doctor Secker, of the circulation of this "pernicious" literature among the youth of New York, and lamented that these young Absaloms were trying, as he phrased it, "to wrest the new college out of the Church's hands, and make it a sort of freethinking, latitudinarian seminary." Pressure from the upper circles terrified the printers into a refusal of service to *The Independent Reflector*, which was accordingly discontinued in November, 1753. The enemy's guns being thus silenced, the majority of the trustees considered an offer from the wardens and vestry of Trinity Church to give to the college a convenient site, on condition that the President should always be a communicant in the Church of England, and that the Anglican liturgy should always be used in the religious exercises of the institution.

The Episcopalian trustees voted to request Acting Governor James DeLancey to affix the great seal to a charter based on these provisions. Mr. DeLancey, under irresistible pressure, consented, but his heart misgave him, for he was far-sighted, and did not, like his friends, despise the temper of the plebeian multitude. Livingston then protested that, as the funds of the institution were obtained under the authority of the Assembly, no incorporation, which was not sanctioned by that body, could convey the control of the lottery money. Aided by his chief lieutenants, Smith and Scott, he conducted on this issue a new appeal to the people, in the shape of public meetings, personal canvassings, and a rain of public letters, petitions, and addresses. They even bought their way with vulgar money into one corner of the hitherto unimpeachable *Gaines' Mercury*. The discussion overleaped the field of dogmas and rituals. The suit of Presbyterianism *vs.* Episcopacy was merged in the cause of the common people *vs.* DeLancey aristocracy. "Livingston, Smith, and Scott," wrote the irate Tory squire, Jones, "were a triumvirate who were all Presbyterians by profession and republicans by principle, determined if possible to pull down Church and State and to raise their own government and religion upon the ruins." So great was the excitement and

so numerous signed were the popular petitions against delivering the money to the trustees that the aristocratic politicians did not dare to take final action until December, 1755, three years after the struggle began.

Although Mr. DeLancey was still in the executive chair, and although his partisans fully controlled the Council and the Assembly, the Livingston campaign won success, for it forced a compromise. The college was surrendered to the Episcopalians, but one-half of its funds was diverted to the erection of a new jail and pesthouse, of which the city was much in need. The temper in which the arrangement was made is revealed in the remark of the elder Smith, who, as a councillor, gave his vote for the bargain with a word of gratulation that the money was "to be divided between the two pesthouses."

This long controversy accomplished much more than the crippling of King's, now Columbia, College. It wrought a political revolution. The verdict of the people at large was rendered at the septennial elections of 1758, when, for the first time since the era of the Zenger trial, James DeLancey and his supporters failed to retain a popular majority at the polls. The Livingston group dominated the new Assembly and consolidated a Whig party which bore their family name. Lieutenant-Governor James DeLancey, dying soon after his humiliating defeat, bequeathed the leadership of his faction to his son of the same name, and left his executive office to his ancient Tory rival, Cadwalader Colden, an unbending aristocrat of the old school who scorned the popularity which DeLancey loved. For the next decade, the houses of Livingston and DeLancey were the Percies and Nevilles of the province of New York. "From this time," writes the historian Smith, "we shall distinguish the opposition (*i.e.* to the upholders of prerogative) under the name of the Livingston party, though it did not always proceed from motives approved of by that family."

That stalwart old Tory, Dr. Cadwalader Colden, coming down from his Ulster County farm at the age of seventy-three years to do battle again in the cause of prerogative, took the measure of his opponents in more forcible language. He wrote: "For some years past three popular lawyers, educated in Connecticut, who have strongly imbibed the independent principles of that country, . . . make use of every artifice they can invent to calumniate the administration in every exercise of the prerogative. . . . They get the applause of the mob by their licentious harangues, and by propagating the doctrine that all authority is derived from the consent of the people." Judge Jones also attributed the seditious

tendencies of Livingston, Smith, and Scott to the influence of that New Haven Nazareth out of which they had come. "They were educated," he said, "at Yale College in Connecticut, then and still a nursery of sedition, of faction, and of republicanism."

The political gospel which to Tories like Jones and Colden smacked of republicanism, was really the dilettante democracy of the school of Edmund Burke. Livingston and his friends were aristocratic Whigs, equally anxious to clip the pinions of ambitious royalty and to curb the insolence of the unlettered mob. The Livingston party in New York did, as Colden said, cherish the horrid Connecticut doctrine that "all authority is derived from the people," but they were quite content with the narrow English definition of the term "people." With Edmund Burke, they thought that a parliamentary assembly of aristocratic representatives of the people was an ideally perfect form of government. Livingston's management of the college controversy showed that he realized the political importance of the public opinion of the multitude, but he expected to use King Demos as a Greek chorus and not to introduce him as a principal character in the play.

The Assembly which was elected after the death of George II. was overwhelmingly Livingstonian, and it locked horns at once with Lieutenant-Governor Colden. Because the DeLanceys hated that officer, the aristocratic faction in the Council and elsewhere offered little opposition to the triumphant Whigs. Mr. Benjamin Pratt, the Boston Tory who was indiscreet enough to accept the chief justice's commission upon the tenure of "during the King's pleasure" instead of "during good behavior," went home after two sessions of the supreme court, without receiving a penny of salary. On this subject the Assembly began in 1762 a series of addresses to the King, which were the most elaborate and courageous state papers that had up to that time emanated from any legislative body on this continent.

Against the Grenville project of colonial taxation, the memorials sent to the King and to both Houses of Parliament in 1763 and again in 1764 were supported by Livingstons and DeLanceys alike. The address of 1764, the work of Philip Livingston, was so bold in its claim of "freedom from taxes not granted by ourselves" that no member of Parliament dared present the document to those houses. Governor Colden wrote a long letter to the lords of trade and plantations to explain how such an "undutiful and indecent Address" could have been adopted by an Assembly under his government. At the same time that "undutiful" body chose the first colonial committee of correspondence on

the continent, a committee consisting of two Livingston Whigs, two DeLancey aristocrats, and one neutral. It was William Bayard, one of the DeLancey politicians, who travelled to Boston to spur the milder-tempered General Court of Massachusetts to more defiant action. This crafty policy of the aristocratic group was not entirely due to dislike of Colden, or to a craving for popularity. Aristocrats and Whigs were equally averse to paying taxes, and when the flame of rebellion against the Stamp Act flared up in 1765, the DeLanceys were quite willing to see the Livingstons fan the fire. The Whig leaders undertook to repeat the tactics of 1753. The triumvirate organized the third estate of mechanics and farmers more systematically than before, and, like Otis, Warren, and Adams at Boston, created a public opinion irresistible in the streets but feeble in the drawing-rooms. Colonel Barré's impassioned reply to Townshend in the House of Commons furnished a noble name for these sprouting associations, and the summer's harvest of 1765 was a legion of "Sons of Liberty." Then suddenly the Livingston gentry discovered that they had summoned from the vasty deep a spirit that they could not master. The men, who, as moving spirits of the Sons of Liberty, were expected to be merely file-leaders of the Whig chorus, pushed the Livingstons aside, and assumed the batons of command. A new king had arisen who knew not Joseph.

As the first of November approached, on which day the Stamp Act was to go into operation, it seemed inevitable that the resolute radicals and the equally sturdy old Governor Colden would bring the struggle to actual bloodshed. Colden refitted the fort, trained the cannon on the city, filled the fort with soldiers from Crown Point, and lodged the stamps safely under the shelter of their guns. The Sons of Liberty, on the other hand, appointed the first popular committee of correspondence on the continent, adopted the first non-importation agreement on the continent, promised mob law to any man who should use the stamped paper, and for five days, November 1-5, rioted before the walls of the fort, hanging Colden in effigy, sacking and burning his property and that of the commandant of the garrison. They finally planned to assault the fort on the night of Guy Fawkes' Day, the 5th of November. The Livingstons had at first tried to ride the storm and direct it, but they failed ignominiously. Scott joined the mob, but the others recoiled from the disloyal talk of their partisans and were horror-stricken at the notion of firing on the English flag and uniform. Judge Robert Livingston was even threatened by his former henchmen because he denounced the turbulence of the

Sons of Liberty. Under the impending danger of actual bloodshed, the gentry of both factions hastened to Colden and succeeded in patching up a compromise which satisfied the radicals and at least saved the dignity of the governor.

The chasm between the two wings of the popular party yawned wider as the months rolled on. All the people professed to approve of the non-importation policy, but neither Livingston Whigs nor DeLancey Tories liked to see a gang of artisans and apprentices pose as the sole guardians of that policy. The vigilance committee of the Sons of Liberty maintained a sort of Holy Inquisition into the sales and purchases of every man of business, into the outgoings and incomings of private households, and into the reported opinions of individuals. A reputable merchant, Mr. Lewis Pintard, having once sent a stamped paper to Philadelphia, was summoned to promise publicly and humbly, like a whipped school-boy, that he would never do it again. To the people in wigs, lace ruffles, and silk clothes, who walked softly and fared sumptuously every day, were they Whigs or were they Tories, this yoke of the Sons of Liberty was not joyous, but grievous. They disapproved of the political and social upheaval of an artisan democracy. They were shocked by the wanton destruction of property on the night of November 1st. They were frightened by the unwonted popularity of unlearned and hitherto unknown men whose influence owed nothing to either wealth or pedigree. When the pressure was suddenly relaxed by the repeal of the act in March, 1766, there was a hidden meaning in the enthusiasm with which the people of all classes huzzaed in the streets once more for "George III., Pitt, and Liberty."

The removal of the pressure revealed also the extent of the disintegration in the Whig party. The Livingston Whigs were sent to the rear. The democratic leaders whom the Sons of Liberty had elevated from their ranks emerged from the battle in full command of the populace of the city, New York's first real democracy. Already they had changed the doctrine of "No taxation without representation" into the broader gospel of "No legislation without representation," a sentiment as obnoxious in New York as in England. All these captains of the Sons of Liberty moved far outside that comfortable social world wherein Livingstons, Philipsses, Cruigers, Schuylers, and DeLanceys met on equal terms. Fifty years later the aged Aaron Burr remarked: "Very few people now realize who and what the men were that, on this side of the water, made the war of revolution inevitable." In New York they were John Lamb, a liquor dealer; Isaac Sears, popularly known as King

Sears, son of a Yankee fish-peddler, and himself in turn a sailor, privateersman, and shopkeeper; Archibald Laidly, Presbyterian minister; John Holt, printer; Alexander McDougall, milkman, sailor, privateersman, small trader, and finally merchant; Marinus Willett, soldier in the late war; and others like Gershom Mott, William Wiley, and Thomas Robinson, of whom fame has preserved little more than their names. These persons and their associates, usually men of little education and of less social prestige and dignity, but ambitious and restless, met together frequently in the long room of a tavern which they called "Hampden Hall." There they preserved the machinery of their political organization and the combustibles with which they kindled the flames of popular agitation.

The same causes that shattered the Livingston party strengthened its rival. The merchants and gentry of moderate sentiments, who constituted the greater portion of the well-to-do class in and around New York City, were alienated by the violence of the radicals, and thought to show their undoubted loyalty by voting for Tory candidates. The peaceful Dutch and German folk, who were especially disquieted by the recent tumults, discerned that the new Whig leaders were invariably Presbyterians. Misliking both the Yankee race and the Yankee church, the Dutch Reformed and the Lutherans easily saw good reason for allying themselves with aristocracy and episcopacy. Moreover, the young DeLancey surpassed even his father's dexterity in hiding oligarchy behind a mask of democracy. His adherents naturally led the dance of joy that ensued upon the repeal of the hated act. They made loud professions of allegiance to the non-importation agreements, hiding, as Colden said, for political motives, a secret aversion under an outward conformity. They were also adroit enough to widen the breach between the Sons of Liberty and the Livingston group by appealing to the latent mob prejudice against lawyers.

With the campaign cry of "No lawyers to the Assembly," a DeLancey merchant ticket swept the city in 1767. William Livingston and his friends did not abandon the struggle. The Assembly was still theirs. The Whig party of the Albany region and of eastern Long Island was intact, for there no class distinctions sundered the Sons of Liberty from the old party leaders. In 1767-1769, a revival of the project for an American Episcopate afforded to Livingston an opportunity to appeal for popular unity on the old familiar ground. The Lord-Bishop of Llandaff, in a sermon, called the New Englanders "infidels and barbarians." Governor Moore and his Council in New York again refused to

incorporate the Presbyterian church in the city. A petition for bishops was formally despatched across the water by the Episcopal clergy of New York and New Jersey.

The Whig politicians, as before, smelt Tory politics in the scheme; the Presbyterian ministers detected a still more sulphurous odor in it, and one of the latter in New Jersey so far forgot himself as to call the Episcopal Church "that rag of the whore of Babylon." William Livingston entered the lists against the English prelate, and received therefor a formal vote of thanks from the Connecticut consociation of churches, by the hand of its secretary, his own friend, Rev. Noah Welles. One of the wits of the DeLancey party parodied this classical tribute in verses which ended thus:—

"March on, brave Will, and rear our Babel
On language so unanswerable,
Give Church and State a hearty thump,
And knock down truth with falsehoods plump;
So flat shall fall their churches' fair stones,
Felled by another Praise God Barebones.
Signed with consent of all the tribe
By Noah Welles, our fasting scribe."

The Livingston effort to cement their broken wings with anti-Episcopal glue was a failure. In January, 1769, Governor Moore dissolved the Assembly for its contumacy in refusing supplies for the soldiery, and in disobeying the royal prohibition against political correspondence,—especially with Massachusetts. Both Whigs and Tories strained every nerve to win the ensuing elections. The DeLanceys were clever enough, on the one hand, to intensify the opposition between the Sons of Liberty and those rich lawyers, the Livingstons, and on the other hand, to excite the merchant class against the Whig alliance with the mob. The Livingstons appealed for the verdict of popular approval. The character of their hopes in New York City was naively revealed in Peter R. Livingston's letter to Philip Schuyler: "There is a great deal in good management of the votes. Our people are in high spirits, and if there is not fair play shown, there will be bloodshed, as we have by far the best part of the Bruisers on our side, who are determined to use force, if *they* (the DeLanceys) use any foul play."

The good man's confidence in the Bruisers was misplaced. The majority of the Sons of Liberty repudiated the Whig nabobs altogether. The Tory-Episcopalian-merchant-DeLancey combi-

nation received two-thirds of all the votes in New York City. Barely half a dozen Whig members found a place in the new Assembly. Among them, the only prominent figures were those of Philip Schuyler, from the extreme North, and of George Clinton, from the extreme West. From that time until the outbreak of the war, the balance of voters in Southern New York inclined strongly to the aristocratic side, and ultra-loyalty was a fashionable sentiment. The moderate Whigs of birth and breeding had before been sent to the rear of the popular army. Now they retired from it altogether, and the Sons of Liberty confiscated their effects. Of the famous triumvirate, Scott cast in his lot with Lamb and Sears. Smith and Livingston, like their comrades, the Jays, the Morrisises, the Franklins, Randolphs, and Rutledges, stood apart, silently and unhappily watching the course of events, until the outbreak of hostilities forced them to choose between loyalty and rebellion. William Livingston, disheartened by the violence and open disloyalty of the Sons of Liberty, moved in 1772 to New Jersey and disappeared from New York politics. The events of 1774 threw him, like most of the moderate Whigs, into a renewed association with the Sons of Liberty, and as governor and statesman, William Livingston was the foremost man in New Jersey from 1776 until his death in 1790.

William Smith moved in an opposite direction. Unable to abandon his allegiance to England, he was hated as an apostate by the Sons of Liberty, became a Tory refugee, and died Chief Justice of Canada. Until rebellion blurred all prospects of peace, it was Smith's hope that the agitation would result in a continental colonial parliament, subject to the English Crown, but competent to decide all domestic affairs. This was also the expectation of Benjamin Franklin and of William Livingston. The moderate sentiment of both parties would have acclaimed such a solution of the difficulty. Only the tactless persistence of an English ministry and monarch could have alienated such allegiance as these gentry owned to the mother country. A little more friendly diplomacy in the treatment of these colonies, and English sovereignty might have rested on a foundation that not all the radical malcontents from Boston to Savannah would have been able to shake.

CHARLES H. LEVERMORE.

WESTERN STATE-MAKING IN THE REVOLUTIONARY ERA

II

ALTHOUGH in western Pennsylvania the agitation subsided for a time, in the West Virginia region the ferment went on. To understand the situation it is necessary to recall the proceedings in Congress. On November 3, 1781, a committee recommended the acceptance of New York's cession, covering a considerable portion of Virginia's claim; and also recommended that Congress should refuse to give to Virginia the guaranty of her remaining territory, which she had demanded as the price of ceding her lands beyond the Ohio. It further recommended, that when Congress should come into possession of the tract, the claim of the Indiana company be confirmed, and the Vandalia proprietors reimbursed in lands for their actual expenditures; but it denied the latter grant as a whole, as incompatible with the interests, government, and policy of the United States. The report was a distinct blow to Virginia, and it marks the highwater point of efforts at Congressional control of regions like West Virginia just west of the Alleghanies. Through the reasoning of the report ran the theory that the crown lands, that is, all the lands beyond these mountains, had passed by devolution to the whole United States. In accepting New York's cession, Congress clothed herself with the additional title of that State. The report was not acted on until later, but the rumor of it (sometimes exaggerated into the statement that Congress had definitely taken the crown lands) spread through the West, and increased the projects for states and the appeals to Congress. In the summer of 1782 heated debates occurred in Congress over its power respecting the organization of the trans-Alleghany lands. Some argued for the right of Congress to take possession of this country, and to take the petitioning Western settlers by the hand, and admit them as new states. It was intimated that Virginia contemplated the formation of the Western country into distinct subordinate governments, and the sending out of lieutenant-governors to rule them—a repetition of the colonial policy of Great Britain, and likely to bring about another revolution. Virginia

was threatened by one speaker with forcible division into two or more distinct and independent states.¹ In the fall of 1782 Congress accepted New York's cession, and there matters rested until the next autumn.²

With so critical a situation in Congress, it is not surprising that Virginia settlers beyond the mountains began to sell their lands for low prices, and to take up new claims, expecting to be supported by Congress. Within a few days after they gave the news of this movement, the same newspapers printed a petition³ to the Virginia Assembly, asking for a new state beyond the mountains. The settlers pointed with pride to their loyalty to the revolutionary cause even while they were suffering hardships in their internal government; and they declared at some length their respect for the federal government. Said the memorialists: "We are, indeed, erected into separate States upon the declaration of our independency: but the very existence of those states separately considered, was necessarily depending upon the success of our federal Union." "Every wise man looks through the Constitution of his own State to that of the confederation, as he walks through the particular apartments of his own house to view the situation of the whole building." An increase of states in the federal Union would, in their opinion, conduce to the strength and dignity of that Union; for, said these frontier members of the Old Dominion, "it is as possible that one state should aim at undue influence over others as that an individual should aspire after the aggrandizement of himself," and this danger an increase of states would lessen. Replying to objections drawn from their social conditions, they say: "Some of our fellow-citizens may think we are not yet able to conduct our affairs and consult our interests; but if our society is rude, much wisdom is not necessary to supply our wants, and a fool can sometimes put on his clothes better

¹ Thomson Papers, *N. Y. Hist. Colls.*, 1878, pp. 145-150.

² Madison's Observations relating to the Influence of Vermont and the Territorial Claims on the Politics of Congress, May 1, 1782 (Gilpin, I. 122), gives a good idea of the situation from a Virginia point of view, and shows the part played by the land companies and by the revolutionary State of Vermont, where the similar problem of recognizing a state, formed within the limits of other states and against their will, was involved. The *Philadelphia Independent Gazette*, of July 13 and 20, has two numbers of a series entitled: "A Philosophical Discussion on the Rights of Vermont, Kentucky, etc., to aspire to their Separate Stations of Independency among Sovereign States on Revolutionary Principles, by a Revolutionist." These numbers (all I have access to) were chiefly vituperative, and the underlying thought is expressed in the title. The Vermont example was made use of in connection with Western projects. Ramsey, *Tennessee*, 312.

³ Draper Colls., Newspaper Extracts III., *Maryland Journal*, December 9 and December 20, 1783.

than a wise man can do it for him. We are not against hearing council; but we attend more to our feelings than to the argumentation of others." They add that the whole authority of the state rests ultimately upon the opinions and judgments of men who are generally as void of experience as themselves. Nor in their opinion is there occasion to fear the results of a separation of the two parts of the state of Virginia: "Our nearest seaports will be among you, your readiest resources for effectual succour in case of any invasion will be to us: the fruits of our industry and temperance will be enjoyed by you, and the simplicity of our manners will furnish you with profitable lessons. In recompense for these services you will furnish our rustic inhabitants with examples of civility and politeness and supply us with conveniences which are without the reach of our labour." They ask therefore that Virginia should cede all the territory west of the Alleghany Mountains and allow the settlers to form a new government under the auspices of the American Congress. Early the next year Jefferson¹ wrote to Madison that it was for the interest of Virginia to cede the Kentucky region immediately, because the people beyond the meridian of the mouth of the Great Kanawha would "separate themselves and be joined by all our settlements beyond the Alleghany, if they are the first movers; whereas if we draw the line, those at Kentucky having their end will not interest themselves for the people of Indiana, Greenbrier, etc., who will, of course, be left to our management, and I can with certainty almost say that congress would approve of the meridian of the mouth of the Kanaway, consider it as the ultimate point to be desired from Virginia. . . . Should we not be the first movers, and the Indianians and Kentuckyians take themselves off and claim to the Alleghany, I am afraid Congress would secretly wish them well." By the Indianians, of course Jefferson means the inhabitants of the region of the old Indiana company, and it seems likely that the petition just considered came from these settlers. The reasons which Jefferson gives for retaining to the meridian of the mouth of the Great Kanawha included the following: These lands (before long to be thickly settled) would form a barrier for Virginia; and the hundred and eighty miles of barren, mountainous lands beyond would make a fine separation between her and the next state. The lead mines were there; and the improvement of the river would afford "the shortest water communication by 500 miles of any which can ever be got between the western waters and Atlantic, and of course promises us almost a monopoly of the

¹ Jefferson, *Writings*, III. 401.

western and Indian trade." Evidently the attacks of the land companies, the discontent of the settlers, and the attitude of Congress were having their effects. Virginia was beginning to perceive that she must cede something unconditionally, lest she lose all her Western settlements. Her leaders were coming to see, moreover, the importance of uniting the West and the East by internal improvements, a movement that led the way to the Constitutional Convention. Not long after Jefferson's letter Washington¹ wrote to Governor Harrison, regarding the desirability of connecting the West to Virginia by ties of interest. If Virginia improved the Potomac and Ohio route, to draw Western trade to herself, Pennsylvania was in no position to make objections, though part of the road would pass through her territory; for, said Washington, "there are in the State of Pennsylvania at least a hundred thousand souls west of Laurel Hill who are groaning under the inconveniences of a long land transportation," and Pennsylvania "must submit to the loss of so much of its trade, or hazard not only the loss of the trade but the loss of the settlements also . . . toward which there is not wanting a disposition at this moment in that part of it beyond the mountains." In the same year Washington was urging that Congress should legislate for the government of the territory northwest of the Ohio. "The spirit of immigration is great," he wrote to Richard Henry Lee, "the people have got impatient; and though you cannot stop the road, it is yet in your power to mark the way; a little while and you will not be able to do either." The truth of this opinion is shown by the attempts of squatters on the western side of the Ohio to form a constitution for a new state in 1785, on the doctrine that it was a right of mankind to pass into vacant territory and there form their constitution.² But the federal troops drove off the intruders, in spite of this doctrine of squatter sovereignty, "agreeable to every constitution formed in America."

Propositions for "marking the way" were already under consideration in Congress. The policy had finally prevailed of asking cessions instead of asserting authority, and in October of 1783 Virginia had authorized a cession of her lands across the Ohio. The Vandalia Company made another struggle to secure its claim, and exhibited its New Jersey strength by inducing that state to appoint Col. George Morgan its agent, in order to bring the Vandalia claim before Congress as a claim of the state of New Jersey, and thus induce Congress to take jurisdiction

¹ Washington, *Writings*, X. 407.

² *St. Clair Papers*, II. 3-5; *McMaster*, III. 106, 107.

between the two states of Virginia and New Jersey, under the Articles of Confederation. But that body refused to take the matter up; accepted Virginia's cession; and passed the Ordinance of 1784.¹ It is not within the scope of this paper to discuss the evolution of the territorial government for the ceded lands by Congress. The petition and proposed constitution² outlined by the army officers at Newburgh, in 1783, the steps leading to Jefferson's ordinance; Monroe's, and later reports,³ and the outcome of all this Congressional action in the Ordinance of 1787, we must pass by. But some of the features of the Ordinance of 1784 had a direct effect upon the backwoodsmen, whose attitude is under consideration, and so must be noted. This statute provided that the territory ceded or to be ceded by individual states should, whenever it should have been purchased of the Indians and offered for sale by the United States, be formed into additional states, bounded in the following manner⁴ as nearly as the cessions should admit: northwardly and southwardly by parallels of latitude, so that each state should comprise from north to south two degrees of latitude, beginning to count from the completion of 45° N. lat. Eastwardly and westwardly, the boundaries were to be the Mississippi, on the one side, and the meridian of the lowest point of the falls of the Ohio, on the other; and for the next tier of states, the same meridian was to form the boundary on the west, while to the east the boundary would be the meridian of the mouth of the Great Kanawha. The territory eastward of this last meridian between the Ohio, Lake Erie, and Pennsylvania, was to be one state in addition. Whatever territory lay beyond the completion of 45° between the meridians mentioned, was to be a part of the state adjoining it on the south; and where the Ohio cut the parallel 39°, its course to the north of that line was to be substituted for that portion of the parallel. Two things deserve particular notice in this arrangement: the rigid application of the rectangular system, with small regard for physiographic propriety;⁵ and the number of small states provided for. Jefferson's belief in the West is clearly indicated by this readiness to concede so large a share of power in Congress to the region. The agricultural West might be regarded as a natural political ally of Virginia. It is less easy to see why New England accepted the proposition.

¹ April 23. Donaldson, *Public Domain*, 147-149; Barrett, 17-27.

² Pickering, *Life of Pickering*, I. 546-549, Appendix iii.

³ Stone, *Ordinance of 1787*; Barrett, 33 *et seq.*

⁴ See map in previous number; and correct into accord with this.

⁵ See later, p. 259.

Earlier in the year a Rhode Island congressman wrote: "It is proposed to divide the country into fourteen new states in the following manner. There are to be three tiers of states: one on the Atlantic, one on the Mississippi, and a middle tier. The middle tier is to be the smallest and is to form a balance betwixt the two more powerful ones."¹

Having thus outlined the course of new state activity in one of the regions of the Western Waters, and having traced the connection between it and the Congressional legislation, we may next survey the attempts of similar nature in the Tennessee and the Kentucky regions. Here we shall have to be very brief, partly because of the limits of the paper, partly because the essential grievances and methods have been stated in connection with the first region. Moreover, the writers who have related the history of Kentucky and Tennessee have made the attempts in these settlements more familiar. One centre of disturbance on the Tennessee waters, however, has been neglected. It will be remembered that Washington county, Virginia, the region on the Holston about Abington, was economically and socially a part of the North Carolina region, on the same waters, although separated by the Virginia line; and that the mountains cut this tract off from both the parent states. Moreover, the Virginia counties of Montgomery and Greenbrier, on the tributaries of the Great Kanawha, lay in close connection with Washington county. When the rumor came to these settlements that Congress had resolved against Virginia's claim to their region, they were thrown into commotion, and Arthur Campbell, the fiery Scotch-Irishman who was county-lieutenant and justice of Washington county in Virginia, and Col. William Christian, another noted Indian fighter, brother-in-law of Patrick Henry, agreed upon a plan for holding a convention of delegates from the two counties of North Carolina on the Tennessee waters, and from these three Virginia counties. The delegates were to be chosen by the freemen either in their respective companies of militia, or at the court-houses,² on court day, and to meet at Abington. "In the general Confusion and Disturbance we ought to take care of ourselves," wrote Christian.³ The outcome of the proposition is unknown; but it indicates the delicacy

¹ Staples, *Rhode Island in the Continental Congress*, 479; Barrett, *Evolution of Ordinance of 1787*, 19.

² Christian preferred the use of militia companies, because "so few meet in common at the annual elections." This is a significant fact. See J. F. Jameson, *Virginia Voting in the Colonial Period*, Nation, April 27, 1893.

³ Draper Colls., King's Mountain MSS., IX.; *Cal. Va. State Papers*, III. 414, 572; Gilpin, I. 116; Jefferson to Madison, March 24, 1782, *Writings*, III. 53.

of the western situation, and the readiness of the frontiersmen to rely on their own assemblies. There is evidence that Arthur Campbell continued in correspondence with Congressional leaders. In the summer of 1783, Jefferson reported that Patrick Henry was ready to restrict Virginia to reasonable boundaries, but that instead of ceding the parts lopped off, he was for laying them off into small republics.¹ Henry had his particularistic tendencies tried in the next few years, when as governor he had to support the unity of the Old Dominion against attempts to withdraw her western area.

In June, 1784, North Carolina, following the example of Virginia in the cession of her claims beyond the Ohio, ceded to the United States the region now embraced in Tennessee, providing at the same time that the sovereignty should remain in North Carolina until the cession was accepted by Congress. The Ordinance of 1784 had passed on the 23d of the previous April. According to the boundaries provided therein, the settlements of eastern Tennessee would have fallen within one state, and those on the Cumberland in the one just to the west of that. The settlers on the Tennessee complained that after the cession North Carolina lost all interest in them, and stopped the goods she had promised to the Indians in payment for lands. Thereupon the frontiers were attacked by the savages. In this critical situation, abandoned by North Carolina, without proper provision for courts, or for calling the militia to the field, unprovided for by Congress, it is not surprising that the citizens hastened their independent statehood.² Committees composed of two representatives from each militia company in the counties of North Carolina on the Tennessee met and recommended the election of deputies to meet in convention at Jonesboro'. The Cumberland men were not represented, for the mountains intervened between them and the Tennessee settlements, and their connections were more with Kentucky than with this region. The Jonesboro' convention met on the 23d of August and came to the conclusion that it was for their interest to form a separate state. They believed that the increased immigration which would result from their independence would produce an improvement in agriculture, manufactures, and literature. "The seat of government being among ourselves," said they, "would evidently tend, not only to keep a circulating medium in gold and silver among us, but draw it from many individuals living in other states, who claim large quantities

¹ Jefferson, *Writings*, III. 334.

² Ramsey, *Annals of Tennessee*, gives the documentary material on this state of Franklin.

of lands that would lie in the bounds of the new state." By implication this would leave the vacant lands within the state to the state itself, rather than to the United States, and it was one of the points with which Governor Martin of North Carolina reproached them in the manifesto which he issued against their attempt. At the same time, Martin held out hopes that if they returned to the jurisdiction of the parent state, a future amicable separation might be effected, accompanied by a division of the vacant lands between the two states.¹ Another reason advanced for independence was the fact that the more populous eastern settlements would render the western men subservient to them and would legislate against their interests. Finally they urged that Congress by their resolutions had invited them to assume statehood, and that North Carolina's cession had opened the door. It was their hope that the whole valley of the upper Tennessee might be embraced in the new state; for they resolved to admit any contiguous part of Virginia that might make application to join their association, "after they are legally permitted, either by the state of Virginia, *or other power having cognizance thereof.*"² The italicized words indicate how widespread was the belief in Congressional jurisdiction over the West.³ Although North Carolina repealed her cession and provided judicial and military organization for the region under the name of Washington District, the movement had progressed too far to be thus arrested. Sevier was chosen governor, and later conventions took the constitution of North Carolina as the model of their government, and adopted the name of Franklin for the state. The Assembly of Franklin petitioned Congress to ignore the repeal of North Carolina's cession and to accept the infant commonwealth. In the summer of 1785 a Washington county Virginia man wrote that the "new society or State called Franklin has already put off its infant habit and seems to step forward with a florid, healthy constitution; it wants only the paternal guardianship of Congress for a short period, to entitle it to be admitted with *éclat*, as a member of the Federal Government.

¹ Governor Sevier of the new state denied that the question of disposing of the public lands had been settled; but the state afterwards opened land offices. Ramsey, *Tennessee*, 364. Compare Henry, *Patrick Henry*, III. 293.

² The italics are mine.

³ The italicized clause leads Roosevelt (*Winning of the West*, III. 157, 158) to say that "the mountaineers ignored the doctrine of State Sovereignty." These frontiersmen believed in the congressional jurisdiction over the former crown lands; but the italicized words do not warrant the assertion that they ignored the doctrine of state sovereignty. There was much reason for doubting the right of individual states to trans-Alleghany territory.

Here the genuine Republican! here the real Whig will find a safe asylum a comfortable retreat among those modern *Franks*, the hardy mountain men." But the mountain men were not yet to receive the paternal guardianship of Congress. North Carolina made liberal concessions in postponing taxes and promising forgiveness. The settlers divided into the partisans of North Carolina and of Franklin; rival governments held courts, summoned militia, passed laws, and collected taxes over the same area. In the midst of this domestic turmoil, Governor Sevier was forced again and again to lead his riflemen against the Indians whom the land hunger of the Franklin men had aroused.

In the meantime the leaders of Washington county, Virginia, were agitating for union with Franklin. Arthur Campbell lent all of his influence as magistrate and militia officer against continuing with Virginia, and even denounced her taxation on the days when he held court. Rev. Charles Cummings, the backwoods preacher, appealed to his people to stand by their natural rights, and he presided at meetings for separation.¹ Early² in January of 1785 a petition from the leaders was read in Congress praying that they might form part of an independent state, bounded by the Alleghanies on the east, the meridian of the falls of the Ohio on the west; a line from the junction of the Greenbrier and the Great Kanawha to and along the 37th parallel on the north; and the 34th parallel on the south.³ In a word, they desired to erect the upper courses of the Tennessee and the territory about Cumberland Gap into a separate state, a greater Franklin. "We are the first occupants and Aborigines of this Country," said these Indian fighters, "freemen claiming natural rights and privileges of American Citizens." They desired that the disposition of the vacant lands be in the hands of the legislature, with the reservation that the proceeds should be paid to the order of Congress. One may be permitted to doubt whether the terms on which they would sell the lands to themselves would leave much for the Congressional coffers. Again, in the spring of 1785, another petition went to Congress from the deputies of the same county. They proposed modifications in the rigid rectangles that Jefferson had laid down for the western states in the Ordinance of 1784. The eastern meridian line, they complained, passed across a great number of the most inaccessible and craggy

¹ *Cal. Va. State Papers*, IV. 34 *et passim*.

² January 13. See the petition in *Cal. Va. State Papers*, IV. 4. This differs in some verbal respects from the copy in the Department of State.

³ See the map in the previous number.

mountains in America, and severed communities naturally one. The western meridian divided the Kentucky settlers. They proposed two states with natural boundary lines; the Kentucky settlements bounded by the Great Kanawha were to make one, and the upper waters of the Tennessee, including the Muscle Shoals of that river, another.¹ The Cumberland settlers would have been left as the nucleus for another of the states provided for by the Ordinance of 1784. As thus modified, the settlers declared the Ordinance the basis for a liberal and beneficial compact. With this petition they forwarded an association which they had drawn up, resolving, among other things, that the lands "cultivated by individuals belong strictly to them, and not to the government, otherwise every citizen would be a tenant and not a landlord, a vassal and not a freeman; and every government would be a usurpation, not an instrumental device for public good." "For cogent is the reasonings," they exclaimed, "when we can with great truth say: our own blood was spilt in acquiring land for our settlement, our fortunes expended in making these settlements effectual; for ourselves we fought, for ourselves we conquered, and for ourselves alone have we a right to hold."² But Patrick Henry, then governor of Virginia, was ready to resist the loss of this "barrier and nursery of soldiers," and he regarded the Franklin project as "a matter that may ruin the Western Country which must principally support the glory of America in future Times."³ The irate Arthur Campbell reproached this orator of the Revolution with incurring the infamy of a Bernard or a Hutchinson; but his attempts were all in vain.⁴ The state of Franklin dared not receive the Virginians against the will of so powerful a state, and Virginia, following the example of Pennsylvania, passed an act in the fall of 1785, making the erection of an independent government within her limits, except by an act of her Assembly, high treason, and empowering the governor to call out the militia to repress any combination for such purpose.⁵ The state of Franklin, which had steadily lost authority among the settlers, practically expired in 1788. In the fall of the next year Sevier took his seat in the North Carolina Senate, and the year

¹ See the map in previous number.

² They are here using the language of Jefferson's Proposed Instructions to the Virginia Delegates, 1774. Ford's *Jefferson's Writings*, I. 437.

³ Henry, *Patrick Henry*, III. 374.

⁴ The evidence respecting Campbell's plans is in *Cal. Va. State Papers*, IV., *passim*. The petitions and association are in Archives of the Continental Congress, No. 48, pp. 281, 287, 297. Compare Ramsey, *Tennessee*, 320.

⁵ Hening's *Statutes*, XII. 41.

after that he went to Congress from the western district of North Carolina. By the lapse of Franklin, one of her settlements, Sevier County, was left stranded on Indian territory not acquired by North Carolina. They organized themselves by the familiar expedient of a social compact,¹ and continued their association until erected into a county of the Territory of the United States south of the River Ohio, in 1794.

When North Carolina ceded the Tennessee country to Congress in 1790, Patrick Henry, who was interested in the Yazoo land company at the time, declared to a Western correspondent: "I still think great things may be done in the Tennessee Country and below. For surely the People of Franklin will never submit to be given away with the Lands like slaves without holding a Convention of their own as the Kentucky people have done under our Laws. But if we had not assented to it, they would have had a Right to hold one to consult together for their own Good." He calls the act of cession "a most abominable Instance of Tyranny," and says that they ought to do as Vermont has done. "For being cut off from Government without holding any convention of the people there to consent to it all the Rights of Sovereignty over the District and Lands therein belong to the people there." This doctrine, he believed, "neither Congress nor any other persons who understand the principles of the Revolution can controvert or deny."²

While the Indian fighters on the upper waters of the Ohio, and on the tributaries of the Tennessee, had been striving for independent statehood, the Kentucky riflemen, in their turn, had been seeking the same object. The lands for which they had risked their lives in conflict with the savages, were being seized by speculative purchasers from Virginia, who took advantage of the imperfect titles of the pioneers. One of the most important features of the economic history of the West in the eighteenth century, is the way in which preparations for a later aristocracy were being made, by the amassing of vast estates of wilderness through grant or purchase. For the time being these estates did not materially affect social conditions; for they were but wilderness; but they served as nuclei for the movement of assimilation of the frontier to the Southern type when the slave population began its westward march. The pioneer had an intuitive sense of this danger. "We have distressing news from Kentucke," wrote

¹ Ramsey, *Tennessee*, 437, prints these interesting Articles of Association.

² Draper Colls., King's Mountain MSS., XI.

a Westerner,¹ in the summer of 1780, "which is entirely owing to a set of Nabobs in Virginia taking all the lands there by Office Warrants and Pre-emption Rights. Hundreds of Families are ruined by it. In short, it threatens a loss of that Country. Should the English go there and offer them Protection from the Indians, the greatest Part will join. . . . Let the *great Men*, say they, whom the Land belongs to, come and defend it, for we will not lift a Gun in Defense of it." It is easy to understand, therefore, why in the spring of the same year, a petition² came to the Continental Congress, praying that body to organize the counties of Kentucky and Illinois into a separate State. Among their grievances was the granting of the waste lands in great tracts, "without Reservation for Cultivating and Settling the same, whereby Settling the Contry is Discouraged and the inhabitants are greatly exposed to the Saviges by whom our wives and Childring are daly Cruily murdered." They objected to being taxed while enrolled and serving in garrisons. Between them and the appellate courts of justice from six hundred to a thousand miles intervened, and the law miscarried. Although they had taken the oath of allegiance to the United States, Virginia had demanded that they swear allegiance to her, and they knew not to whom they belonged. In the next year³ other attempts at separation were made; and in 1782, as has already been noted, the petition of the Kentucky men aroused a heated debate in Congress.⁴ The Congressional report of 1781, adverse to Virginia's claims,⁵ was circulated in Kentucky by the friends of Congressional control; and one of the agitators was tried and fined as "a divulger of false news." Loyalty to Virginia was diminished by the fact that the inhabitants represented many States, and that correspondence was active between them and persons at the seat of Congress.⁶ One of the interesting side lights on the period is the fact that at this time James Monroe⁷ contemplated removal to Kentucky, and that he solicited confi-

¹ Draper Colls., Clark MSS., XLVI. 59.

² Printed in Roosevelt, *Winning of the West*, II. 398.

³ *Cal. Va. State Papers*, III. 385; Putnam, *Middle Tennessee*, 631; Draper Colls., Shane MSS., XI. 39-44; Draper Colls., Trip, 1860, II. 35; Draper Colls., Clark MSS., XXX. 19.

⁴ Thomson Papers, *N. Y. Hist. Colls.*, 1878, p. 145. Compare the undated petition in Archives of Continental Congress, Vol. XLI. 102.

⁵ See page 251, *ante*.

⁶ Walker Daniel (attorney for Virginia) to Fleming, April 14, 1783; Draper Colls., Clark MSS., XLVI. 78, 79; LII. 91; *Va. Cal. State Papers*, III. 555, 584-588.

⁷ Monroe to Clark, October 19, 1783, Draper Colls., Clark MSS., LII. 92.

dential communication with George Rogers Clark, the famous Kentucky leader. Monroe favored a new state, on the ground that it would increase the weight of Virginia politics in the Union.

At last, on December 27, 1784, these sporadic attempts at independence culminated in a convention called by a meeting of leading citizens in the previous November. This convention was composed of a delegate from every captain's company. It declared the grievances¹ already familiar in other Western petitions, of unequal taxes; inefficient administration of justice; lack of provisions for calling out the militia; the drainage of specie to the eastern part of Virginia; and the general neglect due to their remoteness from the seat of government. Among the sources of discontent was the lack of a law for improving the breed of horses,—a matter on which the Transylvania legislators had been prompt to act! The convention made provision for a new convention to meet the following May and to take definite action. The subsequent history of Kentucky's struggle for statehood is a subject for treatment by itself, and too extensive for the limits of this paper. It was complicated by the question of the closing of the Mississippi, and by the fear that Congress would consent thus to see the highway of Western trade barricaded. With it were involved the intrigues of Wilkinson and his friends with Spain, the efforts of England to sound the separatist tendencies of the West, and the dilatory caution of Virginia, as well as the fact that in this period the change was effected from the government under the Articles of Confederation to that under the federal Constitution. That in the many blunders and misunderstandings which grew out of this situation, Kentucky adhered to legal methods, indicates much self-restraint on the part of the settlers. But had matters not taken a favorable turn at the time most critical, Kentucky was in a fair way to have crowned this movement for independence by placing itself in the position of a state out of the Union.² While Wilkinson was playing his game for a Spanish alliance, or at least for Spanish bribes, even such honest Westerners as Sevier and Robertson entered into correspondence with Spanish agents in the critical period of 1788; and George Rogers Clark offered to expatriate himself and accept the flag of Spain in return for a liberal land grant for a trans-Mississippi colony. Col. George Morgan, hopeless of securing

¹ Draper Colls., Newspaper Extracts, 1785, p. 1. *Pennsylvania Packet*, May 9, 1785; cf. *Kentucky Gazette*, October 18, 1788.

² The best general account of these movements is in Roosevelt, III.; but the documentary material in Gayarré, *Louisiana*, Green's *Spanish Conspiracy*, and *Report of Canadian Archives*, 1890, as well as in the Draper Collections, is important.

from Congress his desire for Indiana Company lands, sought the Spanish power, and was promised an immense domain opposite the mouth of the Ohio, for a colony to be called New Madrid. In this period also was formed the Yazoo company, whose agent, Dr. O'Fallon (Clark's brother-in-law), proposed to the Spaniards that his colony should become subjects of Spain, if unmolested by that power.¹ The apprehensions of Patrick Henry and Grayson regarding the relinquishment of the Mississippi by Congress under the proposed federal constitution, all but turned Virginia against that instrument in the ratification convention.² The Kentucky radicals desired to establish a state regardless of Virginia's consent, and without securing the permission of the federal government, and thus to be in a position to ratify or reject the new federal constitution; to make terms with Spain; or to stand alone and await events. "Our Political era is at hand!" exultantly wrote Judge Wallace,³ of the Kentucky convention, to Arthur Campbell in 1788.

All along the border the party favorable to new states had been balked. The hopes awakened by the Ordinance of 1784, of Congressional organization of the whole West, had so far borne no fruit in the settled regions, although the unoccupied Northwest had been splendidly provided for in 1787. Checked or rebuffed by the parent states, neglected by Congress, their very industrial life threatened by the closure of the Mississippi, it was not surprising that they gave to the separatist movement a more aggressive form. The Kentuckians had reason to think that the whole frontier sympathized with them. The Western counties of Pennsylvania were excited;⁴ the French on the Illinois had grown impatient of the lack of government and the insecurity of their land titles; the surviving Franklin partisans were ready to join in a Western uprising; the people of Cumberland sent their agents to ask to be incorporated in the state of Kentucky;⁵ and Arthur Campbell was in correspondence with leading advocates of Kentucky separation, and was proposing a general coalescence of the Western country.⁶ Added to all of these evidences of unrest was the attitude of Eng-

¹ Compare Isaac Sherman's proposed Connecticut colony beyond the Mississippi. *Can. Archives*, 1890. See Haskins' *Yazoo Company*, in *American Historical Association*, V. 395.

² Elliot's *Debates*, III.; Stone, *Ordinance of 1787*.

³ Draper Colls., King's Mountain MSS., IX.

⁴ Draper Colls., Clark MSS., XI. 153, citing *Maryland Journal*, July 3, 1787.

⁵ McDowell to A. Campbell, September 23, 1787, Draper Colls., King's Mountain MSS., IX.; Speed, *Danville Political Club*, 136; Putnam, 280.

⁶ C. Wallace to A. Campbell, Sept. 19, 1788, Draper Colls., King's Mountain MSS., IX.

land and Spain, both of which powers were sounding the West regarding its readiness to cast off the connection with the Union.¹ Such facts show how impossible it would have been to have governed the West by any system of provincial administration.

If these forces of disunion had prevailed, the indications point rather to a Mississippi Valley federation, a union of the Western Waters, than to a lapse into independent communities indifferent to each other's fate. The readiness of the settlers to appeal to each other for aid, the negotiations for mutual political connection at various times in this period, the physiographic unity of the Mississippi Valley, and the dangerous neighborhood of England and Spain, all lead to the same conclusion.²

The results of this study may be summarized in conclusion. We have found that the writers on the organization of the West have made the Ordinance of 1787, and the vacant country beyond the Ohio, the object of their inquiry and that they have thus been led to slight the occupied area involved,—that is, the lands between the Alleghanies and the Ohio. It follows that the part played by the frontiersmen themselves has been neglected. The documents surviving in their rude chirography and frontier spelling, the archives of Congress and the newspapers of the time, have enabled us to show that so far from being passive spectators of the Congressional plans for their political future, the frontiersmen were agitated by every new proposal of that body. They tried to shape their own civil destiny.

We have noted, too, the importance of the physiographic explanation of the movement. The new state activity extended all along the frontier; but in three areas, natural economic unities, separate states were proposed. The eastern tributaries of the upper Ohio made the area of Vandalia, Westsylvania, part of Paine's projected state, and the many unnamed states projected in the period from 1780 to 1784. The persistence of the physiographic influence in this unit is seen in the Whiskey Rebellion in western Pennsylvania, and in the continuous struggle of West Virginia against control by the eastern section of that state, until at last her object was gained in the Civil War, and an independent state on the lines of Vandalia, though not of Westsylvania, was formed. The second economic unit, around the upper course of the Tennessee, was the area of the Watauga Association, the

¹ Interesting material on the situation in the West in 1789 is in *Report of Canadian Archives*, 1890. See Gayarré, *Louisiana, Spanish Dom.*, 206, 228; Green, *Spanish Conspiracy*; Roosevelt, *Winning of the West*, III.

² Roosevelt, *Winning of the West*, III. 127, 128, 94, 95, holds the contrary view.

state of Franklin, and the proposed greater Franklin of Arthur Campbell. Virginia retained her portion of this tract, and assimilated the descendants of these leaders to the great planter type; but the Tennessee region was organized as the Territory of the United States south of the river Ohio, in 1790, and six years later it became a state. The union of the Cumberland pasture-lands with the mountain tracts of East Tennessee was physiographically unnatural. In the debates at Nashville, preceding the Civil War, the proposition for organizing a union state of Franklin out of the mountain lands received much attention,¹ and it was this area that furnished most of the Tennessee soldiers for the Union army in that war, and which to-day holds to the Republican party, while the rest of the state has usually given its votes to the Democratic party. In the Kentucky unit, too, after a decade of struggle, independent statehood was acquired. All of these movements were natural expressions of physiographic influences. They were all led by sons of Virginia, and the same era that saw the downfall of her tobacco-planting aristocracy seemed likely to witness the restriction of Virginia's vast domain to limits narrower than those imposed in the Civil War. But she was able to resist the full effects of these influences.

Another result revealed by this general view, is the variety of the new governmental plans, and the fact that there appeared in this area of vacant lands, as in the colonial area long before, plans of proprietary companies, and social compacts, or associations. The Ordinances of Congress, moreover, provided for a type of government comparable to that of the royal colonies; the idea of close control by the general government was common to both; but the type was revolutionized by the American conditions. The weakness of the proprietary plans, also, shows the influence of the wilderness training in liberty. The theory of the associations was a natural outcome of the combined influences of Puritan political philosophy, in its Scotch-Irish form, the revolutionary spirit, and the forest freedom. All through these compacts runs the doctrine that the people in an unoccupied land have the right to determine their own political institutions. In announcing the doctrine of "squatter sovereignty," therefore, Cass and Douglas merely gave utterance to a time-honored Western idea.²

This idea was, nevertheless, merely an extension of the prin-

¹ Phelan, *Tennessee*, 104.

² A committee of the Wisconsin legislature declared in 1843 that it was a doctrine well understood in this country, that all "political communities have the right of governing themselves in their own way within their lawful boundaries."

ciples and methods of the Revolution to the West. In interpreting the history of colonial settlement so as to meet the needs of the revolutionary arguments, John Adams had held that the original colonists carried with them only natural rights, and having settled a new country according to the law of nature, were not bound to submit to English law unless they chose it. Jefferson had compared the original colonial migrations to the migrations of their Saxon ancestors to England; and he had asserted that the colonists "possessed a right which nature has given to all men, of . . . going in quest of new habitations and of there establishing new societies under such laws and regulations as to them shall seem most likely to promote public happiness. . . . Settlements having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws under which they had hitherto lived in the mother country." Such were the theories urged by the revolutionary leaders respecting the political rights of settlers in vacant regions, at the very time when the frontiersmen were occupying the lands beyond the mountains. These doctrines formed convenient bases for the formation of associations, for the assertion of the ownership of their lands by the settlers in defiance of the parent state; for their complaints against the actions of these states and for their demands for independence. The revolutionary states found themselves obliged to repudiate some of their own doctrines in dealing with their western communities. In the Franklin convention the Declaration of Independence was read to show that reasons for separation from England urged in that document applied equally well to the relation of the western counties to the counties of the coast.

It is a noteworthy fact, however, that so many of these associations accepted the laws and constitution of an older state. The frontier did not proceed on the principle of *tabula rasa*; it modified older forms, and infused into them the spirit of democracy.¹

Examining the grievances of the Westerners, one is impressed with the similarity of the reasons for wishing independent statehood, in all the petitions from all the regions. They were chiefly the following: disputed boundaries, uncertain land titles, inefficient organization of justice and military defence, due to the remoteness of the capital; the difficulty of paying taxes in specie; the dislike of paying taxes at all when the pioneers were serving in Indian warfare, and were paying money into the state treasury for their lands; general incompatibility of interests between the frontiers-

¹ Compare the Exeter covenant where the "liberties of our English Colony of the Massachusetts" were asserted.

men and the planters, and the aggravation of this fact by the control which the East retained in the legislatures.¹ Perhaps no factor in the explanation of the new state activity is of more importance than the Westerners' desire to organize states that should own the vacant lands within their bounds. This would enable them to determine the price of the public lands, and this would enable them to reduce taxes while assuming government. But it was just this that Congress could not be expected to permit. The policy of Calhoun to win Western support at a later period by yielding to the states the public lands within their limits, was based on a thorough understanding of Western traits.

Through all these petitions and memorials runs the sentiment that Congress might, or ought to, assume jurisdiction over the West. The frontiersmen exerted a constant pressure on Congress to exalt its powers. The Crown had asserted its control over the lands beyond the sources of the rivers flowing into the Atlantic by the Proclamation of 1763, when it forbade settlement and the patenting of land therein. On the eve of the Revolution it had all but completed a grant to the Vandalia Company, providing for a colonial government in the limits of Virginia's trans-Alleghany claim. This company tried to persuade Congress to assert the possession and jurisdiction of the lands beyond the mountains, as the property of the whole Union by devolution from the Crown when independence was declared. To the westerners the theory of Congressional control was attractive. It seemed to exact nothing and to promise much. They looked for organization into independent states of the Union; they looked for deliverance from the rule of the coast counties in the legislatures, the rule of a section radically unlike the West; they looked for lighter taxation and for all the advantages of self-government; they hoped to own the lands within their borders. It is not strange that with these ideals they appealed to the central government for organization into states. But in any case there were strong national tendencies in the West. These communities were made up of settlers from many states, and this mixture of peoples diminished the loyalty to the claimant states, and increased the tendency to appeal to national authority. It was chiefly, however, because the national power could promote the interests of the West that that section was so ready to turn to it. It was ready to abandon this attitude when its interest was threatened, as the Mississippi question clearly shows. But for the

¹ Compare Jefferson, *Notes on Virginia*, 127 (1853); *Debates in Virginia Constitutional Convention*, 1829-1830; Brevard, *Digest of S. C. Laws* (1814) pp. xiv, ff.; *N. C. Colonial Records*, VII., pp. xix, ff.

most part it has been for the interest of the national government to legislate in the interest of the West, and so the West has been not only in the era of the Revolution, but ever since, a great nationalizing force in our history.

In fine, we see in these agitations along the Alleghanies the early political efforts of the rude, boisterous West, checked as yet by the tide-water area, but already giving promise of the day when, in the person of Andrew Jackson, its forces of democracy and nationalism should rule the republic.

FREDERICK JACKSON TURNER.

OFFICE-SEEKING DURING WASHINGTON'S ADMINISTRATION

WHEN Washington became President under the Constitution, he was without any precedent which he could use with advantage in selecting men for public office. In England and France, the two countries with whose governments he was most familiar, offices were obtained by court favor or by family influence. Their practices were examples to be shunned rather than followed. In this country there had been no system, but there had been a general desire to have meritorious government officials, if meritorious men could be induced to serve. In the states all but the highest officers were named by the governors or elected by the legislatures, and the federal officials were chosen by Congress. But with the adoption of the Constitution there was a great change. Many state offices became federal offices, and the early congresses created a large number of new places, which the change of government rendered necessary. The fountain head of all appointing power was the President. The advice and consent of the Senate were to be invoked only after he had made the nomination. He was to create no offices, but he was to fill all the offices. Washington, as the executive head of a new government, was confronted with a task of extraordinary magnitude, and not the least of its difficulties was involved in the question of appointments to office. Before his inauguration, even before the requisite number of states had ratified the Constitution, letters from army officers and civilians, asking for appointments under the new government, began pouring in upon him. It was no more possible for him than it has been possible for his successors to make all of the appointments from his personal knowledge of suitable men. He sought out a few for the higher positions, and in a more limited proportion for the lesser offices, but the bulk of the offices he filled by selections from among those who applied for them. It may be presumed that some of the applications were never reduced to writing, and that some never became a part of the President's official papers, but so many are preserved among the government archives that it is safe to say they include a considerable majority of all the applications made. They were sent to the Department

of State, which at that time, more than any other executive department, was regarded as the President's office. There are none covering this period among the archives of the other departments. Many of the papers are indorsed in Washington's own hand, and it is probable that few of them were not examined by him. A few requests for domestic offices were addressed in the first instance to the Secretaries of State, of the Treasury, and of War, and nearly all applications for foreign appointments were sent directly to the Secretary of State. A few others were sent to senators and representatives, by whom they were referred to the President, but most of the applications were sent to the President in the first place. In the beginning some were addressed to the President and the Senate jointly, the applicants doubtless supposing that, under the Constitution, the Senate shared the appointing power with the President. These were all referred to the Senate by Washington.¹

Within certain limitations the applications show what were the reasons upon which he based his selections for office, but they do not in all cases show all the reasons. Verbal inquiries made by the President or at his instance, verbal representations made to him, and the extent of his own knowledge of the applicants were often determining factors in the appointments and seldom appear of record. An instance of this is the case of Benjamin Fishbourn, nominated to be naval officer of the port of Savannah. The Senate having rejected him, probably on grounds involving political or personal opposition, Washington nominated Lachlan McIntosh, observing in his message of August 7, 1789, that he presumed the reasons for the Senate's action were sufficient, but adding: "Permit me to submit to your consideration whether, on occasions where the propriety of nominations appear questionable to you, it would not be expedient to communicate that circumstance to me, and thereby avail yourselves of the information which led me to make them, and which I would with pleasure lay before you." He gives his reasons for having nominated Fishbourn, who served under his eye in the war and whose conduct was "irreproachable." He behaved gallantly at the storming of Stony Point. Since his residence in Georgia he had been a member of the Assembly, of the Executive Council, a lieutenant-colonel of militia, and was appointed by the Council to an office similar to the one for which the President nominated him. The President says that he received private letters recommending him, but they were secondary considerations. He concludes: "It ap-

¹ *Executive Journal of the Senate*, I. 9.

peared, therefore, to me that Mr. Fishbourn must have enjoyed the *confidence* of the militia officers, in order to have been elected to a military rank; the *confidence* of the freemen, to have been elected to the Assembly; the *confidence* of the Assembly, to have been selected for the Council; and the *confidence* of the Council, to have been appointed collector of the port of Savannah."¹

Turning to the papers in the case, it appears that Fishbourn wrote to Washington as early as May 12, informing him of the appointment he had received from the state government, and on May 17 he wrote again stating his expectation of receiving a presidential appointment, and lamenting, at the same time, that General Wayne had not been chosen to represent Georgia in the Senate.

Here it will be noticed that the operating causes of Fishbourn's nomination — Washington's personal knowledge of the applicant and his services and private recommendations received in his behalf — do not form a part of the official record.

Nevertheless, some of the papers are so full as to be convincing proof of the reasons for the appointments, and others furnish a fair basis from which the reasons may be inferred.² We will take up the papers of several of the successful applicants.

Jabez G. Fitch was appointed, June 9, 1794, marshal of the Vermont district upon the recommendation of Samuel Hitchcock and Israel Smith. Hitchcock writes that the marshal "should reside near Champlain, as the principal business of the district court originates there." Fitch lives at Vergennes, and has served for some time as deputy marshal. He would discharge the duties of marshal with fidelity and dignity. Smith writes that Fitch is about thirty years of age, "has had a polite education," is of good

¹ *Executive Journal of the Senate*, I. 16.

² During the eight years of his administration Washington appointed of revenue officers, including collectors, surveyors, commanders of revenue cutters, inspectors, naval officers and supervisors, one hundred and twenty-five; of commissioners of loans, eighteen; fifteen diplomatic officers; sixty-one consular officers; eight territorial judges; twenty-nine judges of the district courts; three comptrollers of the Treasury; thirty-six United States attorneys; forty-one United States marshals; four members of the legislative councils of the territories; three purveyors of public supplies; seven commissioners to treat with the Indian tribes; nine surveyors of the federal district; four commissioners to settle the accounts between the states and the United States; ten officers of the mint at Philadelphia; a superintendent of the opening of the national road; a paymaster of the troops; a register of the Treasury; five commissioners to open subscriptions to the United States Bank; a commissioner of internal revenue; a surveyor-general; a governor of the Northwest Territory; two auditors of the Treasury; and six miscellaneous officers, making in all three hundred and fifty-one civil officers, not including judges of the Supreme Court, heads of departments, and a number of small offices. *Department of State, MS. Archives.*

moral character, and the fact that he is now deputy marshal is particularly in his favor. He repeats Hitchcock's statements about the desirability of his residence, and adds that the district judge and supervisors have asked him to write in Fitch's behalf.

Matthew Clarkson was appointed marshal of New York August 5, 1791. He writes from Philadelphia, January 2, 1790, recalling the fact that he acted under Washington's immediate command, "as a principal in the department of auditor of accounts to the army," and was personally known to Washington. He desires to be made a commissioner "for the locating and establishing" of a permanent residence for Congress. He concludes: "Convinced that the nomination or appointment to offices which you are pleased to make, have suitable qualifications, personal merit, and former services for their objects, uninfluenced by the solicitations of friends, — I cheerfully rest my application upon that issue as the most honorable." Later he recalls his application to the President's attention, soliciting the office of auditor of accounts in the Treasury Department.

John Stokes was appointed judge of the district court of North Carolina August 3, 1790. Just before his appointment (July 31, 1790), John Steele, a representative from North Carolina, writes: "I am authorized to say that Colonel Stokes will serve as judge for the district of North Carolina, if appointed. In a conversation on the subject with himself he expressed a wish that Colonel Davie¹ might hold that office in preference to any other man; but on condition that he declined offering or refused to accept, he was not unwilling to be mentioned as a candidate." He adds that Stokes has served as a state judge and would give general satisfaction.

North Carolina had at first rejected the Constitution, and there is evidence that Washington exercised great care in the selection of officers who were to serve in that state. The following memorandum is in Jefferson's handwriting: —

INDORSED "FROM THE SECRETARY OF STATE, JUNE 7th, 1790."

North Carolina

District judge. Col^d Davie is recommended by Steele.

Hawkins sais he is their first law character.

Brown sais the same.

Samuel Spencer.

Steele sais he is a good man, one of the present judges, not remarkable for his abilities, but deserves well of his country.

¹ William R. Davie was appointed to the same position June 8, 1791.

Bloodworth sais Spencer desires the appointment, but sais nothing of him.

John Stokes.

Steele names him at his own request. he is a Virginian, was a Capt^a in the late war, lost his right hand in Beaufort's defeat. practises law in S. Carolina with reputation and success ; has been frequently of the legislature, was a member of the convention, a federalist,¹ is now a Col^e of Militia cavalry and additional judge of the Supreme Court.

Hawkins has understood he is a worthy man.

Ashe names him.

District Attorney.

Hamilton. named by Bloodworth.

Hawkins sais he is now under indictment and will be silenced.

Hay. named by Bloodworth.

Hawkins sais he is an Irishman who came over about the close of the war to see after some confiscated property. he has married in the country.

Arnet. named by Bloodworth.

Hawkins sais he is a N. Jerseyman of good character.

Sitgreaves.

Hawkins sais he lives in Newbern where the courts are held. he is a gentlemanly man, and as good a lawyer as any there.

Ashe sais that Sitgreaves is not so brilliant in abilities, but of great rectitude of mind.

Bloodworth sais that Sitgreaves is a gentleman of character & represented the state in Congress in 1785.²

* * * * *

The appointments in Rhode Island were made largely upon a political basis. Several of the papers will be quoted further on in this paper.

Where exceptional circumstances seemed to require it, Washington considered the politics of those whom he appointed to office. "I shall not," he wrote to Timothy Pickering, September 27, 1795, "whilst I have the honor to administer the government, bring a man into any office of consequence knowingly whose political tenets are adverse to the measures which the general government are pursuing ; for this, in my opinion, would be a sort of

¹ In explanation of Jefferson's statement that Stokes was a Federalist, it can only be said that at that time Jefferson's anti-federal sentiments were not fully declared, and furthermore that he was setting forth claims to appointment which would influence his chief.

² On the same date as the memorandum, Washington sent the following North Carolina nominations to the Senate: William R. Davie, to be judge ; John Sitgreaves, to be attorney ; John Skinner, to be marshal. *Executive Journal of the Senate*, I. 50.

political suicide."¹ This statement was used with reference to the appointment of an attorney-general, and can be stretched to cover only the higher offices. But in the Rhode Island appointments it would certainly have been suicidal if the enemies of the federal government had received recognition. The state had given in its adhesion to the Union at a late date and by a slender majority, and the "antis" could not safely be given any opportunity of undoing the work which the Federalists had accomplished with so much difficulty. The case was entirely exceptional. The true basis of Washington's appointments was correctly stated in Matthew Clarkson's application, as "suitable qualifications, personal merit, and former services."

Taking up the applications without especial reference to their successful issue, it may be said that they show what were regarded by the people at large as valid claims to office. They come from no particular class, and range from letters written by men of scholarship and education to those emanating from the most illiterate. They are distributed with impartiality over the whole of the thirteen states. They group themselves into five distinct heads.

I. Those based wholly upon the fitness of the candidate to perform the duties of the office. This group is so much larger than any other that it may be said to comprise fully three-fourths of the whole. The following example is from General Benjamin Lincoln, advocating the appointment of John Lowell as a judge of the Supreme Court. It was unsuccessful so far as that office was concerned, but Lowell was soon afterwards appointed a United States district judge.

BOSTON, July 18th, 1789.

I consider, my dear General, that not only the happiness of the people under the new government but that the very existence of it depends, in a great measure upon the capacity and ability of those who may be employed in the judiciary and executive branches of government. Under this government I hope yet to live and to leave in its arms a large and extensive family. I cannot therefore be an inattentive spectator while the important business of organization is before your Excellency nor be silent when there is but a possibility of my doing the least good. As your Excellency cannot be personally acquainted with all who ought to come forward and aid in the administration but must rely, in some degree, on the information of gentlemen in the different States for the character of those who may be commissioned to fill the several departments which may be erected in perfecting the general system I therefore beg leave to mention to your

¹ *Washington's Writings*, ed. Ford, XII. 107.

Excellency that the common voice of the people here points out Mr Lowell as a gentleman well qualified to fill one of the seats upon the bench of the supream court. — The purity of his mind, the strength and promptitude of his judgment, and his knowledge of the law united with his having held a similar office under the old confederation have directed their views to this gentleman —

I am very apprehensive that he has not by any way communicated his wishes to your Excellency. If he has not the omission may originate in the extreem delicacy of the measure. It is an office which to fill with honour and dignity requires an honest heart, a clear head, and a perfect knowledge of law in its extensive relations the truth of which he so fully realises that he is restrained from making a tender of his services as it would evince his belief that he enjoys the great and necessary quallifications to fill the office — To this a gentleman of Mr Lowell's nice feelings would be brought with great reluctance

I hope the above hints will be acceptable — If they do good my intentions will be perfectly answered — If they do not my apology for making them is the rectitude of my intentions —

I have the honour of being
with the highest esteem

My dear General your Excellency's
most obedient and humble

HIS EXCELLENCY
THE PRESIDENT OF THE
UNITED STATES.

servant B. LINCOLN.

II. Those in which the applicant's military service plays the most important part. This group is a large one; but, while a military record is adduced incidentally in many of the applications, it is put forward as the sole claim for office in very few cases. The following letter from Richard Peters, of Pennsylvania, was written in behalf of General Anthony Wayne:—

BELMONT, August 2, 1790.

Sir

Averse as I am from a Desire to trouble you on such Subjects my Anxiety on Account of the Situation in which a worthy Character is unfortunately placed has induced me to take the Liberty of mentioning to you the unhappy Predicament in which General Wayne stands — As Matters have turned out he was cursed with a Present from the State of Georgia of a Rice Plantation which they gave him with very laudable Intentions. Before he began to improve this Property he was possessed of a handsome Fortune which from a too eager Desire to encrease it he has totally destroyed. Yet he has been a most industrious Slave to the Pursuit and cannot be accused of anything unworthy his Character. He relied upon the opinions of enthusiastic People on his first undertaking the Business and before he had gained Sufficient Experience he was

irreparably ruined. I believe however he will have enough to satisfy the Demands against him but I am confident he will have Nothing left either of his patrimonial Estate or the pecuniary Rewards for his military Services. In short he will be in Want.

I have seen a Plan of a federal Land office. The Place of all others I think him most capable of executing is that of Surveyor General. I know he is an excellent Draftsman and has a Genius for this Business in which he has been practically employed. Should you Sir think proper to give him that Appointment I am convinced he will do Justice to your Choice. But if in your better Judgment you have any other in View I shall be happy in the Endeavor to serve a worthy Man whose Situation I most sincerely lament. I have not been solicited by him to give you this Trouble and hope the Goodness of my Intentions will induce you to Excuse the Liberty I have taken.

I have the Honour to be
with the most respectful Esteem
Your most obed Serv^t

THE PRESIDENT OF THE UNITED STATES.

RICHARD PETERS.

III. Those in which the applicant requests continuance in an office which he held under the former government. This group is a large one, and the applications were often successful.¹

CHARLESTON, S^c CAROLINA, 31st March, 1789—

Although it may appear a degree of presumption in me to address your Excellency, yet were I to neglect it, it might be deemed a fault, the occasion I trust will plead my excuse — The enclosed Letters will explain the motive, which I hope backed by the opinion of The Senators from this State, will have some weight in continuing me in the Office of Collector for this Port under the new Government, which Office I have held for the State since the Revolution — should any other Candidates of superior abilities offer for the Office, I must rest satisfied, and rejoice that such are to be found, but should your Excellency and the Senate think me sufficiently qualified my unremitted attention shall be used in the faithful discharge of it.

With the greatest respect and wishes for your Excellencys health, I take the Liberty to subscribe myself —

Your Excellencys
Most Obedient and
Most humble servant
GEO: ABBOTT HALL.

¹ "Conversing on the subject of these appointments [revenue] lately with the P., I mentioned two principles which I had the pleasure to hear him approve of. The first that state officers in similar lines who had behaved well deserved preference in the service of the United States; and 2^{dly}, that having discharged these duties undivided, now that they become divided, the same officers were entitled to the best." — RICHARD HENRY LEE to —, June 7, 1789, *Washington's Writings*, ed. Ford, XI. 394.

IV. Those which appeal to benevolent considerations. The large number of applications which fall under this head are evidence of the prevailing belief in Washington's charitable disposition, and the papers in one case, that of John F. Sonnet, of Philadelphia, show that the President answered the appeal, not by an appointment to office, but by an "affectionate letter," accompanied by "seasonable relief." The following letter is from a lady, who begs for a clerkship for her son :—

Sir :

Permit me among the multitude who rejoice at your appointment, to congratulate you, as president of the United States of America, and to assure your Excellency that I enjoy an heart felt satisfaction at any event tending to promote your happiness or exaltation. May I hope you have some recollection of one who had the honor of being known to you some years back at Paramus New Jersey? I have indeed no claim to your particular attention—but presume on your distinguished humanity, and benevolence to distress. The late American war has in its consequence proved ruinous to my family, darkened my prospects of providing for my fatherless Children, and marked me the Child of misfortune! My second son Charles aged twenty one years, a youth of spirit, sobriety and honesty, writes a legible hand, and good accountant, qualified for a Clerk in an office—or in the military line being acquainted with Tacticks, I am destitute of the requisite to push him forward in life and humbly request that in the arraignment of appointments your Excellency would cast a thought on him, which would relieve my anxious breast, and confer a lasting obligation on a Lad of good morals and Character who looks up to you. I should be at a loss how to apologize for my addressing you on this occasion—were I not convinced of your great sensibility and inclination to do good. for this purpose may your valuable life be long preserved, and the choicest gifts of heaven be your reward.

Prays your Excellencys petitioner and

Most Obedient respectful

Humble servant

LYDIA WATKINS.

NEW YORK May 5th 1789. Broad Way N^o 10

HIS EXCELLENCY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

V. Those in which political considerations are an important feature. Jefferson, as we have seen, described John Stokes, of North Carolina, as a Federalist. In the application of Joseph Woodward, of Massachusetts, two of his endorsers state that he is a friend of the Constitution and a Federalist, and there are a few more instances where similar statements appear. Beyond this the subject plays no part, so far as the applications show, except in

the case of the applications from Rhode Island, and here it plays a very important part. The contest for the offices began before the state had accepted the Constitution. The following letter was written five days before that event by John Collins, governor from 1786 to 1789, and afterwards a member of Congress:—

NEWPORT, May 24th 1790.

Sir:

In all the vicissitudes of time, and changes of sentiments that have taken place in the United States, I have uniformly believed that the most essential happiness of our country, ultimately depended, upon the establishment of an efficient executive power, under one federal head; being the only means, to obtain that tone to government necessary, to answer the ends of its situation; the securing the general peace, promoting the general interests,—establishing the National character and rendering the Union indissolubly permanent—A power to control the selfish interests of a Single State, and to compel the sacrifice of partial views to promote the common weal.

A government thus calculated to cultivate the principles of universal Justice, probity and honour, must be the source of national strength, as well as happiness to mankind—However I have been uniformly Actuated by these principles, the ill directed zeal of the majority of the people of this state counteracting these principles, and my consciousness of possessing the general confidence, hath hitherto led me to a degree of caution in my conduct and open declaration on the score of political concerns; expecting to effect more from my moderation and influence in public character, than by a conduct more explicit and pointed; which is fully evinced by what has taken place in consequence of my act in the appointment of a convention to adopt the constitution; which depended solely on me; and such was the caprice of the people, that all public confidence was withdrawn from me, and was deprived of every public trust and emolument.—This was a voluntary sacrifice, the event being well known, and comparatively a small one when Just anticipations pourtray to me the great, the general advantages arising from a Completion of the union of the States (for have no doubt of the adoption) but altho personal sacrifices for the general good have been long familiar to me, (and if you have any knowledge of my property or character you must be conscious they have been many and weighty) they are more easily supported by the hope of compensation—and when I reflect upon your friendship, generosity and goodness, with how much it will be in your power to gratifie me, you will give me leave to anticipate your influence and appointment to the office of collector for the district of Newport—your Excellency's attention to me in this shall be ever had in lasting remembrance.

Your goodness will forgive the trouble given you, by an application

from him, who will obey your commands with chearfulness and alacrity
— and honour you without flattery Am —

With every Sentiment of respect
and Esteem

Your Humble Servt.

JOHN COLLINS.

The temper of the people of the state is well illustrated by the following:—

PROVIDENCE, June 11th, 1790.

D^r S^r:

We are happy in the Late Event of this States becoming one of the Union, tho at this late Hour, Had the people been so Fortunate as to have known their True Interest no one State would have adopted the New Constitution Sooner than this.

Grait Exertions have been made and Very Large Sacrifises of Property by the Federals of this Place to change the Pollicy of this Government which for this Four Years Last past have been constantly opposing the adoption of the new constitution and of course have done very Grait Injustice with their paper money, and we sincearly Hope that none of those carrectors may be promoted to Aney office by Congress, Maney things we Doubt not has beene and will be said by Letter or otherwise frome the Principle carrectors among the Anties, theirby if Possable to Induce a beleave in the President, that some of their Friends are Intituled to Promotion, but we Hope such Deception will not have its Desired Influence, as we now assure you that every member of the convention who was in the Least under the Influence of the Anties of this Town, Voted and used all their Influence against the adoption, and a negative Vote would have passed had it not beene for the *Very Grait* Exurtions of the Fedderals in Gaining the Votes of Portsmouth and Middletown which was Quite Remote from the Influence of the Anties of this Town, We now having so brite a Prospect before us, of Justice and Equity being Substituted by, in Lue of Fraud and Injustice being promoted Under the culler of Law, we Begg Leave to take the Libberty of Recommending a core of Honest Faithfull and Vigilant Custom House Officers for this Department Such as will cause Every Copper of the Renewal that shall become due by the Laws of Congress to be punctually paid to the Treasury of the United States, . . . ¹

We are D^r S^r with the Graitest
Respect and Esteeme Your
Most Ob^t Most Humble Serv^t

JOHN BROWN.

JOHN FRANCIS.

¹ The omissions here and in other letters cited are not for purposes of concealment, but merely to economize space.

How carefully the administration investigated the character and antecedents of the Rhode Island candidates is shown in a letter from Henry Marchant written to Alexander Hamilton, but indorsed in Washington's hand.

NEWPORT, Dec^r 9th 1793.

Private and Confidential.

Dear Sir,

By the last Post I was honored with your confidential Communication of the 20th of Nov^r — From appearances here I was fearful some embarrassment might arise on the Subject of a fit Person for District Attorney for this District. — Wishing to be as happy as possible with the Person who should be appointed; — and not knowing that my Sentiments might be expected, or to whom I might with Propriety address them, and knowing they were at all Times demandable; — upon so delicate a Subject I did not interfere my Opinion, but contented myself with informing the President thro' the Secretary of State, with the Vacancy of that Office, by the Death of Mr. Channing — . . .

With Respect to the two Gentlemen recommended, Mr. Howell and Mr. Barnes, I have not the least personal Predeliction. I conceive it my Duty to comply with your request. The Interest of the Public shall be my End, in the Freedom with which I shall venture to express my Ideas. — Upon almost any other Occasion I should not conceive myself at this Liberty. Mr. Howell I have been many years acquainted with, and ever on good Terms. — You might have had some Knowledge of Him in Congress, and consequently in some good Measure of His political Character, Temper of Mind and Abilities. — He was not then a Lawyer. — He is a Man of Learning — He was for some years very useful in a learned Society, — the College of this State. He has been a Member of the Legislature, and a Judge of the Superior Court of this State: — and then it was I believe, that He first had the Thought of studying Law with an Intention of entering into the Profession. — Upon quitting the Bench, He soon after was admitted an Att^y and Counsellor at Law, and has been, for one year only I think, Att^y Gen^l. of the state. There is no Doubt of his Learning and Abilities sufficient for the exercise of the Office of an Att^y of the U. S. —, nor has His Integrity, to my Knowledge, ever been questioned. — It has been frequently lamented that His political Conduct has been unsteady, and supposed to be too much lead by Motives of present applaudits; — and He has accordingly never been so happy as to retain them long in any Place or station. He does not appear to me possessed of those easy and accommodating Manners, which consistant with Integrity and Justice to our own Opinions, are essential to gain and preserve Esteem and Confidence. Sanguine and persevering at the Moment, — He yet wants Steadiness and Prudence. —

It is indeed to be regretted that this affair should assume a Party Completion. To this part of the State, I am confident Mr. Howell would

not be agreeable — Nor are they sanguine in Behalf of Mr. Barnes. — They have not I believe thought it proper to interfere. I am convinced however, they would be more happy if on enquiry, a third Character could be found competent and eligible. — Upon the Decease of Mr. Channing Our Thoughts turned upon Mr. Benj^m Bourne and Mr. Ray Greene, as there was a handsome opening for two Gentlemen of the Profession. It was with Pleasure we heard, both those Gentlemen had thoughts of coming here. But Mr. Bourne may not think such an Appointment an Object sufficient to induce Him to quit Congress, or that His Duty to His Constituents would justify Him in suddenly quitting His Post. — Whether He should reside in Newport or Providence, all Parties I doubt not would be satisfied with the Appointment. — I must say again, that wherever the Judge resides it would be happy to Him and beneficial to the Public that the Atty. should reside in the same Place —

Mr. Ray Greene is the Son of William Greene Esq.^r of Warwick about the Center of this State. The old Gentleman very independant in His Circumstances is a thorough Whig, highly esteemed, was Governor of this State in our most arduous and trying scenes with the highest approbation. — His Father, — Grandfather to the present Gentleman had been Gov.^r many years past, and in like manner possessed the public Confidence. — A Relation and the closest Friendship subsisted between this Family and the late Gen^l Greene. — The present Mr. Ray Greene possesses in an eminent Degree the virtues of His Father and Grandfather with the advantage of a liberal Education. . . .

With Respect and Sincire Esteem

I have the Honor to be

Sir Your most obed^t serv^t

HENRY MARCHANT.

SECRETARY HAMILTON.

It cannot be denied that in the applications for office under Washington's administration we find the germs from which the spoils system afterwards developed. We have seen that soldiers of the Revolution, having received little pay during the war and none at its close, conceived that the gratitude of the country for their services should take the substantial form of civil office, and that in the state where opposition to the new government had been most successful and pronounced federal patronage was extended only to the party which supported the government. It is easy to see how the idea that something besides mere fitness for office constituted a reason for appointment should have spread rapidly among the people in succeeding years. Unchecked by law and fostered by shrewd men who turned it to their own advantage, it grew steadily, and the applications for office under the administrations succeeding Washington's show how it advanced *pari*

passu with the advance in intensity of party spirit. Originally confined to applications to fill existing vacancies, it naturally extended to requests for the removal of officials simply because of the political opinions they held or the political activity they displayed. But this phase of it, at least, was steadily resisted by the appointing power, until Andrew Jackson surrendered to it.

GAILLARD HUNT.

“THE PEOPLE THE BEST GOVERNORS”

IN the history of the use of the written constitution as a basis of government, no period so brief has been marked by such activity in constituent proceedings and by such political path-breaking as the decade of the American Revolution. Yet of the seventeen constitutions, successful and other, whose appearance marks the ten years, 1775-84, those of but two states, New Hampshire and Massachusetts, were submitted to the action of the people. Elements both of the cause and of the result of this mode of procedure mark the contemporaneous literature in each of those states, and especially in Massachusetts, with its superior colonial press, its high grade of political intelligence, and its abundance of vigorous leaders.

The literary products of a political nature in those years may be grouped into three principal classes: the mass of articles in the press by the historian Gordon and his anonymous contemporaries; the large number of town votes, involving, especially in the years of the submission of constitutions, a large amount of practical detail as well as political theory; and, third, the work of the pamphleteers. Types of this last class appear in the aristocratic Carter Braxton's *Address to the Convention . . . of Virginia; on the Subject of Government in general, and recommending a particular Form to their Consideration*¹ and in John Dickinson's *Essay on a frame of Government for Pennsylvania*.²

In the same field there were produced by Massachusetts men two pamphlets of especial note, the widely influential *Thoughts on Government*³ of John Adams, and the locally powerful *Essex Result*⁴ of Theophilus Parsons. To the short list of these strongly

¹ Philadelphia, 1776; pp. 25; a copy is in the Library of Congress.

² Philadelphia, 1776; pp. 16; a copy is in the Library of the Historical Society of Pennsylvania.

³ Philadelphia, 1776; pp. 28; in the Library of the Historical Society of Pennsylvania is a copy in which is written, under date of New York, March, 1869: "Of the original edition this is the only copy I have ever seen. Geo. Bancroft." The text is reprinted in 4 *American Archives*, IV. 1136-1140; and see works of John Adams, IV. 189-200.

⁴ Newburyport, 1778; pp. 68; copies are in the Library of Harvard College; the text was reprinted in 1859 in the *Memoir of Theophilus Parsons*, by his son.

representative writings the addition is possible of a work bearing the imprint of 1776, and in its contents bringing out many of the opinions later so prevalent. Failure, after inquiry of thoroughly representative authorities, to locate in this country at present any but a single copy,¹ renders the full title worthy transcription:—

*The | People | the | Best Governors: | or a | Plan of Government |
Founded on the just Principles of | Natural Freedom. | Printed in
M,DCC,LXXVI.*

As in the other pamphlets of the kind, the authorship was not proclaimed; it differed from them in not indicating its place of publication. The latter omission is tentatively supplied in the catalogue of the British Museum as Boston, but, at present, no verification of such is offered.

By way of well directed apology the author in his preface says that to "help in some measure to eradicate the notion of arbitrary power, heretofore drank in, and to establish the liberties of the people of this country upon a more generous footing, is the design of the following impartial work, now dedicated by the Author, to the honest farmer and citizen." He puts himself squarely on record, and on the doubly "popular" side, by confessing himself "a friend to the popular government," and by also offering the willing confession, that to him it has appeared "that the forms of government that have hitherto been proposed since the breach with Great Britain, by the friends of the American States, have been rather too arbitrary." To counteract every leaning to the "arbitrary" was the business of a "popular" writer, and to remedy such an unwelcome tendency he would emphasize the immediate dependence of both legislative and executive officers upon the people; the people should elect directly the latter; to matters pertaining to the legislative branch, most of this early tract is devoted.

Turning to the important feature of the qualifications of legislators, the author goes to the extreme of liberality when he considers knowledge and social virtue sufficient qualifications for such positions. "Let it not be said in future generations," he goes on, "that money was made by the founders of the American states, an essential qualification in the rulers of a free people." As to the equally important matter of the basis of representation, his reason-

¹ In the Library of the Connecticut Historical Society; pp. 13. Mention of this pamphlet is found in the instructions given by the town of Wilbraham, Mass., to its Representatives, May 19, 1777: "That in all their proceedings they have Special recourse (as an assistance) to a Little book or Pamphlet Intituled, The People the best Governors or a Plan of Government, &c — . . ." Lincoln Papers, Library of The American Antiquarian Society.

ings teach that the basis of property disregards the equal liberty of all, that the basis of population would "puzzle the brain of a philosopher," while to him the basis of taxed lands seems least objectionable; at all events, he concludes, and in the conclusion reflects the striking conservatism of the time, that "a government is not erected for a day or a year, and, for that very reason, should be erected upon some invariable principles." The ratio of representation is taken up, and in this the writer repeats the extreme demand of the defenders of local rights in asserting the propriety and the right of every incorporated town to make annual choice of a member of the House of Representatives. This position he weakens only with the rather elastic suggestion that power be given to the General Assembly to grant larger representation to the more populous places.

In the author's time, and with his fellowmen, the most attractive as well as, provincially, the most important parts of government were the representative elements. The defence of one's rights as a voter, and the consideration of the broadening mass of political questions and rights arising from the possession of the suffrage, furnish their leading themes of thought and talk; various and abundant are the proposals relative to government by popularly elected representatives acting as legislators; and it is but characteristic of the time that the most systematic portion of the pamphlet in question is the series of distinct sections treating of these salient points of representative government. In the course of these the writer expresses what has been handed down most commonly from the mouth of another, when he suggests annual elections in all cases. He would, furthermore, extend this elective power of the people even to the choice at large, in town meetings, of judges of the Superior Court, as well as to the election by the counties of such officers as registers, judges of probate, and judges of the inferior courts. He is consistent in his liberality, even if still extreme, when he allows the franchise to every "orderly free male of ordinary capacity," twenty-one years of age, and of one year's residence in the town of voting; to this he suggests the qualifying addition that a year's absence from a town shall not entail disfranchisement if the person possesses in the town real estate valued at £100. To the possession of the franchise on such generous terms he would add the right to hold office, "unless something that has been said to the contrary;" but he opposes without qualification dual office-holding, therein touching but slightly on a question that was promptly to become one of importance. His vigorous expression on office-holding is rounded out by

the sentiment that would refuse admission of any one to office, unless he "professes a belief of one only invisible God, that governs all things; and that the bible is his revealed word; and that he be also an honest moral man."

Later development of detail is foreshadowed in the suggestion of the publication of the Assembly's resolutions, and in the proposal to establish one "general proxy day" for the whole state. The early evolution of the important elements of representative government is typified by the author's allusion to the Assembly's power to act upon the credentials of its members, and by the attention he gives to the propriety of ascertaining the vestment of the power to entertain and act upon complaints against executive officers, a rude attempt at an impeachment process. The text does not lack indications of the author's familiarity with the accepted theorizing of his time; the later triple division of government, for instance, appears here, in a treatise bearing upon the executive and legislative departments, in his allusion to the desirability of a strict demarcation between executive and legislative functions. By such, and other, points of practice and theory, the writer of this pamphlet shows himself to have been a leader of thought even in the times of such political progress; his work in appearance was slight, but in essence it was profound. He preceded Parsons by two years, and began the propagandist education which the so-called *Essex Result* more elaborately and more perfectly continued, and which was crystallized by John Adams in more enduring form in the Massachusetts Constitution of 1780.

HARRY A. CUSHING.

DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that an exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

1. Diary of Richard Smith in the Continental Congress, 1775-1776.

THE following pages comprise the first half of a diary kept in 1775 and 1776 by the Hon. Richard Smith, delegate from New Jersey to the Continental Congress. The diary extends continuously from September 12 to October 1, 1775, and from December 12, 1775, to March 30, 1776. The second half will be printed in the next number of the REVIEW. The original manuscript is in the possession of Mr. Smith's great-grandson, J. F. Coad, Esq., of Charlotte Hall, Md., by whose kindness the REVIEW is permitted to print this daily record of events in Congress during a most interesting and important period.

Richard Smith was born at Burlington, N. J., March 22, 1735, of a Quaker family distinguished in the annals of the colony. He was a younger brother of Samuel Smith, treasurer and secretary of the council and historian of New Jersey. He was bred as a lawyer, and in or about 1762 was chosen recorder of the city of Burlington. For his correspondence with Tobias Smollett in 1763, see the *Atlantic Monthly*, Vol. III. Mr. Smith married Elizabeth, daughter of Hon. John Rodman of New Bedford. He was for many years clerk to the House of Representatives in New Jersey. He was appointed a deputy from that State to the first Continental Congress, and on February 14, 1776, the Provincial Congress re-elected him for one year; but he resigned on March 30, for reasons indicated at the conclusion of his diary. His brother Samuel dying in this year, Richard was on October 17 appointed treasurer of the State of New Jersey. He resigned March 7, 1777, and retired to his country seat, called Bramham Hall. With other members of the Smith family he purchased a large tract of land on Otsego Lake, New York, and built there a handsome mansion

called Smith Hall, in which he lived from 1790 to 1799, when he removed to Philadelphia. While on a tour through the Mississippi valley, he died of a fever at Natchez on September 17, 1803. Mr. Smith was an honest, amiable, well-read, and cultivated man. Smith Hall, afterwards called Otsego Hall, was the early home of Fenimore Cooper, whose father, originally agent for the Smiths, acquired the property from them.

Of the items of information contained in this diary, but a small portion is to be found in the printed Journals of the Continental Congress. Two other published diaries relate to the same period in the history of Congress, — that of John Adams, printed, with his autobiography and some notes of debates, in his collected *Writings*, and that of Samuel Ward, published in Vol. I. of the *Magazine of American History*. But Smith's diary is much ampler than Ward's, and has a value independent of that of Adams, by reason of the fact that it relates largely to periods during which Adams was absent from Congress. Its importance and interest are therefore very considerable. Passages in Bancroft's *History of the United States*, Vol. VIII. (1860), pp. 313, 315, show that Mr. Bancroft had seen the diary. It is printed without abbreviation. The text here given has been collated with that of the original manuscript. The manuscript shows, by various indications, that it was copied, at some time later, but not much later, than April, 1776, from daily notes which had been taken in Philadelphia.

Tuesday 12 September 1775. I attended at Congress for the first Time since the Adjournment. M^r Hancock having a Touch of the Gout there was no President in the Chair. The Colonies of New Hampshire and N Carolina absent as also sundry Members from other Colonies. D^r Franklin read several Letters recieved today by Cap^t Falkner from London and informed the Members that he had some Bales of Household Goods on Board of Falkner, desiring the Congress's Leave to land them. no Objection to it only Willing and John Rutledge thought it irregular to do Business without a President and it was referred. M^r Gadsden and others moved for an Adjournment to 10 Tomorrow, which was complied with. 3 of the Georgia Delegates were present with M^r Peyton Randolph and the new Delegates from Virginia, their Credentials not yet delivered, and little Business hitherto done this session.

Wednesday 13th. M^r President (Hancock) in the Chair. The Credentials of the Georgia, Virginia, and Maryland Delegates were read and accepted without any Objection. the Marylanders were the same as at the last Session. An Order was made that the Penns^a Delegates shall send off to Gen. Washington under a proper Guard, the remainder of his Money amounting in the whole to 700,000 Dollars, and they were at the same Time to send the Cloathing for Two Regiments lately seized at Philad^a.

Duane and Rob. R. Livingston came today from the Indian Treaty at Albany. another Treaty is about to be held at Pittsburg. D^r Franklins Goods allowed to be landed. a great Number of Letters and Papers were read, some from Gen. Washington giving a particular State of his Army they want Powder and Money—some from Gen. Schuyler stating his Situation; others from Col. Lewis Morris and Ja^r Wilson Dated at Fort Pitt recommending an Expedition ag^t Detroit to be conducted by Col. Arthur S^t Clair—others from Gov. Trumbull and sundry more.

Thursday 14 Sept^r Letters read from Gen. Schuyler and others. Col. Francis sent the Journal of the late Indian Treaty at Albany to the Congress which was read. several Members from Virginia, Maryland, Jersey, N York and Connecticut added to the Penns^a Delegates appointed last Session to settle Accounts. The Georgia Delegates laid the Proceedings of their Provincial Convention before us cont^g a Petition to the King, another to certain Resolves and other Matters, and motioned for Leave to sell the Cargoes of Two Ships which were shipped without Knowledge of their Agreement of Non Importⁿ, and motioned also for Exportation of certain Articles under certain Limitations. these Motions were opposed by Chase and J. Adams and supported by Nelson, Houstoun and Dr. Zubley, the latter out of Humor with Chase. the Consideration of it was put off till Tomorrow. the proposed Expedition to Detroit canvassed and disagreed to and various other Matters.

Friday 15 Sept^r Debates upon Indian Commissioners for the Middle Department Henry and Franklin being unable to attend at Pittsburg. Col. Lewis Morris and D^r Thos. Walker appointed to attend there Hac Vice. then the Affair of the Two Cargoes at Georgia referred from Yesterday, was largely agitated and in the End a Resolution drawn by Jay took place importing that the cargoes should be sold and the Proffits if any put into the Hands of the Georgia Convention or Com^{ee} of Safety to be applied in Defence of the Province. an incidental Matter took up some Time viz, Whether M^r Nelson should vote for Virginia he being the only Delegate present and whether any lesser Number than the Quorum shall represent any Colony. Mr. Nelson waved his Question, and the other went off without a Determination (since that Time no Colony votes without the Quorum present as limited by their Colony, some authorize 3. some 2 some one Delegate to give a Vote). Two of the Georgia Delegates are possessed of Homespun Suits of Cloaths, an Adornment few other Members can boast of, besides my Bro^r Crane and myself.

Saturday 16 Sept^r the greater Part of the Time lost in considering Whether One Officer in our Army may be allowed to hold Two Commissions it was postponed, this was on read^g Gen. Washingtons Letters, other Parts of his Letters gone into and some small Matters settled.

Monday 18. Motion to appoint a Com^{ee} to procure 500 Ton of Gunpowder from abroad, together with 10,000 Stand of Arms 20,000 Gun Locks &c with power to draw on the Continental Treasury for the Amount, was carried by Vote, the Payment in Produce was opposed and the further

Consideration postponed. Com^{ee} on the Accounts asked Direction how to settle them and the Matter left unsettled Motion by E. Rutledge to enlarge Col. Fenton a Prisoner in Connect^t from New Hampshire, opposed by Langdon and deferred. Letter from Gen. Schuyler giving an Account of his being at Isle aux Noix and postponing the Attack on Carlton at St Johns till he sounds the Canadians, after having a small Skirmish.

Tuesday 19 Sept. Arguments on Gen Schuylers Letter Whether he shall make a Post at Isle aux Noix and what is best to be done in his Situation, a Com^{ee} of Three named by Ballot to report their Opinion. a Committee of 9 chosen by Ballot for procuring Arms and Ammunition agreed to banish John Fenton to England at his own Request after considerable Debate. D^r Franklin the PostMaster General desired the Delegates of New Jersey to nominate Deputy PostMasters throughout that Colony which we did accordingly.

Wednesday 20. An Expedition is on Foot against the Kings Forces in Canada via Kennebec under Col. Arnold from Washingtons Camp at Cambridge. Com^{ee} brought in the Draught of a Letter from our President to Gen Schuyler. large Controversy on some Parts of it and particularly how far we shall express Approbation of his late Proceedings in retreating to Nut Island &c. Gen. Wooster with a considerable Detachment ordered to join Schuyler. this Morning a Letter in French was delivered to the President directed for Gen. Washington said to be from the Governor of Hispaniola. Whether the Letter shall be opened and whether by a select Com^{ee} or by the President, were made Questions. the general Opinion seemed to be that the President should open it and the Secretary (Charles Thomson) translate it and if of a public Nature that it should be laid before Congress. but it was dropt. Major Robert Rogers was at the State House today he has just come from England and is upon the Kings Halfpay.

Thursday 21 Sept. On a Question Whether Col. Armstrong or Col. Fry shall be Brig. Gen. in the Room of Pomeroy retired, the Colonies were divided 6 against 6 — North Car^t being absent, consequently there was no Appointment. a Com^{ee} of 5 was raised to consider of the best Method to convey 10 or 15000 Barrels of Flour and other Provisions to Gen. Washⁿ much said about the Accounts of Col. Thompsons Riflemen, this Gent. had 5000 Dollars advanced to Him but his Acco^{ts} are yet unpaid and one demands Interest. the Judge Advocate (Tudor's) wages were raised at his Request from 20 Dollars to 50 Dollars p^r month.

Friday 22. — Andrew MacNair Doorkeeper's Acco^t ordered to be paid. a Letter from John Haring Chairman of the Com^{ee} of Safety in New York and a Letter from Lewis Morris and James Wilson at Fort Pitt read. Major Rogers ordered to be discharged if Nothing appears ag^t Him but being a Half Pay Officer, he was arrested by the Com^{ee} of Safety of Pennsylvania. a committee of 7 appointed by Ballot to consider the State of Trade in America. — W^m Shads Acco^t as Messenger ordered to be paid.

Saturday 23 Sept. a Letter from Tho^s Mifflin Quarter Master to the Army directed to W^m Barrell Merch^t was read, desiring Him to forward

Cloathing for the Army, the Congress took that Subject into Consideration and appointed by Ballot a Com^{ee} of 5 to supply the Two Armies with Cloathing to the Amount of £5000 sterl'g, and allowed each Quarter Master 5 ⁷/₈ Cent for selling out to the Soldiers.

Monday 25. A Com^{ee} of 3 named to draw an Answer to Gen Washingtons Letters. an Order passed for Payment of Acco^{ts} amounting to near 2000 Dollars. A committee of 13, one from each Colony (myself for N Jersey) was named for Settling what Accounts may come this Session. De Hart moved to restrict all Conventions and Assemblies from issuing any more Paper Money and to recall what they have done without Permission from hence, he was not seconded. On reading Wilson and Morris's Letters and other Papers Willing moved that the Congress would interfere in settling a temporary Line between Virginia and Pennsylvania, a Letter was read from the Delegates of those Two Colonies to the Inhabitants recomm'g Peace &c. several Orders of the King in Council Dated in June last relative to this Line were read.

Tuesday 26 Sept. Com^{ee} brought in a Letter to Gen Washington, in the Course of it E Rutledge moved that the Gen. shall discharge all the Negroes as well Slaves as Freemen in his Army. he (Rutledge) was strongly supported by many of the Southern Delegates but so powerfully opposed that he lost the Point. the Question of the Lines between Penn^a and Virginia agitated but Nothing determined. the Letters between Washington and Gage ordered to be published, then the Journal was read in Order for Publication and some Parts of it ordered not to be printed as improper for Public Inspection particularly all that was there about fortifying the Passes on Hudsons River and the Directions to the New Yorkers to arm themselves &c.

Wednesday 27. 160,000 Dollars ordered to be advanced to Connect^t in part of their Claim on the Congress. Willing from the Com^{ee} on Accounts asked whether a Charge should be allowed made by the Com^{ee} of Northampton County in Penn^a for their Time and Trouble in settling certain Accounts, Mr. Willing was directed not to allow it. the Journal continued to be read and various Parts ordered not to be published, as the Instructions to Gen Washⁿ the Directions to the German Ministers &c. A Petition was read from Mess^{rs}. Purviance of Baltimore praying Leave to ship off a Cargo of Wheat which the late Storm prevented, refused and ordered to lie on the Table.

Thursday 28 Sept. No Congress. the Members dined by Invitation on Board of the RowGallies which sailed down to the Chevaux de Frize near Mud Island and up to Point no Point. I amused myself all the Morning in M. du Simitiere's curious Museum.

Friday 29. Letters from Gen. Washington with a Return of his Army, about 19,000 effective Men who are to be disbanded in Dec^r by the Terms of Inlistment, he prays Directions how to keep or raise an Army. Expenses run very high, great Want of Powder and Money. Chief Part of the Morn'g was spent on a Motion to send a Com^{ee} of the Congress to the

Army to take proper Measures for the Winter Campaign, it passed in the Affirmative. some Powder said to be just arrived in Delaware our Com^{es} were desired to purchase it. above 80 of our Men have deserted to Gen. Gage in the Course of this Campaign accord'g to Gen. Wash^{ing} Dispatches.

Saturday 30 Sept. A Com^{es} of 3, viz Harrison, Franklin and Lynch was appointed by Ballot to proceed to the Camp at Cambridge. Harrison and Dyer had an equal Number of Votes, the Question was taken Whether the Com^{es} shall consist of 3 or 4, it was carried for 3. then the Vote was passed for a 3d Committee Man when Harrison was chosen. A Com^{es} of 5 was chosen to draw up Instructions for those Gentlemen. On Motion of D^r Franklin the Resolution that the Postage should be 20 ¢ less than the Kings Postage was suspended till further Order, he being fearful that the reduced Postage at this Time may not be sufficient to pay all Charges. An Application was made from the Philad^a Com^{es} to give a Regulation Whether or not the Trade Coastwise shall be continued, and a particular Vessel bound to Gloucester in Mass^t Bay shall be permitted to proceed. after Debate the Matter was postponed. An Application was made to the Congress by Capt John MacPherson offering to destroy all the British Fleet at Boston if permitted — postponed — (I believe he was afterwards permitted to go and that he came back without effect'g any Thing) M^r Kean and Willing moved for Us to interfere in the Dispute between Connecticut and Penns^a for that there is immediate Danger of Hostilities between them on the Susquehannah — deferred till Monday. the Congress adjourned till Monday to meet at the Lodge in Lodge Alley because the election is to be then held at the State House.

1 October. I went to Burlington and attended as Inspector of the Press upon printing the £100,000 Loan Office Money and as Clerk of Assembly &c till

Tuesday 12th of Dec. when I went to Philad^a, and

Wednesday 13. I was at Congress The Delegates of Maryland and Georgia all absent. A Report from a Com^{es} was agreed to for equipping Thirteen Ships of War in several Colonies of 32 guns 28 and 24 Guns each and the Expende of each at an Average estimated at 66,666 $\frac{2}{3}$ Dollars. There is a secret Com^{es} whereof Gov^r Ward is Chairman and Tho^s M^r Kean Clerk, M^r Willing resigned his Seat in it and Robert Morris was chosen in his Room by Ballot Debates upon the Question Whether to make an Adjournment a few Days hence for some Time and to appoint a Com^{es} of One out of each Colony to superintend the Treasury and do the Business left unfinished, agreed to appoint such a Committee if an Adjourn^t shall take Place and a Com^{es} was now nominated to prepare the Business of the other Com^{es} Debates whether a Com^{es} of One out of each Colony shall be appointed to take Care of Naval Affairs in the Nature of a Board of Admiralty, postponed. Col. Lee moved to raise the Wages of able Seamen in the Armament now fitting out, from 50/ Penn^a Cur^r which had been before fixed by Congress, to £3 ¢ month and this was carried by Vote. able-bodied Landmen remained as before at 50/ ¢ month. the Order for

this day was to consider of giving Gen Washington Directions to storm Boston but various other Matters intervening it was put off till Tomorrow. Mc'Kean informed the Congress that many Persons in Penns^a, Maryland and Jersey sell Tea and drink Tea upon a Report that Congress had granted Leave so to do and he doubted Whether the Committees had Power to restrain them, a Day was fixed for considering the Matter (in April 1776 the Congress gave Leave to sell and use what Tea was in the Country, forbidding any further Importation of it) — M. Crane went home, Livingston and myself remain, Kinsey and De Hart have lately resigned.

Thursday 14 Dec. Agreed to read the Minutes for the first Half Hour every Morning and also the preceeding Day's Transactions, accordingly the Journal was begun from the 5th of Sept^r last being the Time of Meeting after the last Adjourn^t. Ordered that the Votes be sent to the Press as fast as they are revised several Matters were marked to be omitted as improper for Public Inspection. Much of the Day was spent upon an Answer to that Part of Gen. Wash^m Letters requesting Directions what to do with the Ships and Cargoes lately taken by our armed Vessels which was at length referred after learned Debates and Authorities from Vattel &c Much Altercation Whether a former Resolution of Congress had passed ag^t confiscating the Ships taken in Carrying Military Stores or Goods to Boston, the Colonies on Vote were equally divided upon it, however it was agreed that the Cargoes should be forfeited and that such Matters ought to be tryed in the Admiralty Court and by the Course of the Law of Nations not of the Municipal Law. The President (Hancock) applied to the Congress to release Lieut. Hay taken in Canada and now in Philad^a he offering his Parole of Honor to go Home to Scotland, resign his Commission and never serve against America, Lynch, Lee and others for it who were opposed by Nelson and several more, the Question passed in the Affirmative. the Journal of the Indian Treaty lately held by our Commissioners at Pittsburg lies before Congress and is not yet examined. A Member from each Colony (Crane for New Jersey, tho now absent) chosen by Ballot to procure or cause to be built and fitted out the 13 Ships of War yesterday ordered. Gadsden moved that the Congress should purchase a handsome Time Piece and set it up in the Assembly Room in the State House where we meet, as a Present for the Use of the Room, Wilson and Willing desired the Motion might be dropt as the Assembly expected no Consideration and it was withdrawn. Duane presented a Petition from Peter Berton of New York praying Compensation for a Vessel taken by the Men of War, it was referred by Ballot to Lynch, E. Rutledge and myself —

Friday Dec. 15. Part of the Journal read and sundry Paragraphs as usual ordered to be omitted in Publication. Controversy Whether a particular Part shall be published, the Colonies were equally divided and the Part is to remain unpublished. Motion by Wilson that all Officers below a Major in the Continental Troops now raising in Penns^a shall be appointed by the several Committees of Correspondence and Observation was at length rejected and the Mode of Appointment there and in the Lower Counties set-

tled. A Letter and several Papers from some Indians on the Susquehannah, one of them named Jacob Johnson a Preacher, were read and the Indian Messengers ordered to be taken Care of at the Continental Expence. Robert Morris moved that a Com^{tee} be nominated to consider of Ways and Means to bring in Gold and Silver and keep it in the Country, it is reported that Half Joes have already risen to £3-2-6, it was debated and postponed till Tomorrow. Col. Lee moved that George Mead & Co. of Philad^a may export from that City to Virginia 6000 Bushels of Salt and carry abroad Produce to the Amount from thence, opposed by Jay, Lewis and others and supported by Nelson, Wyth, Rob. Morris &c. it passed in the Affirmative 7 Colonies to 4 Com^{tee} on Public Acco^{ts} reported a Number of Accounts which were allowed and ordered to be paid (the mode of Payment is the President signs an Order to the joint Treasurers Hillegas and Clymer and then they pay the Money) several other Motions and Matters, for these Memoirs only contain what I could readily recollect.

Saturday 16 Dec. The Journal read and diverse Passages marked for Omission in Publication, on one Passage there was a vote whether to be printed or not, and the Colonies were equally divided. A Letter read from Gen. Washington advising of some Captures made by our Vessels and that he had released the President of the Island of St Johns and others who had been taken—A Com^{tee} of 3 prepared a Speech to be delivered by the President to Cap^t White Eyes a chief of the Delaware Indians said to reside on the Muskingham, who was then introduced into the Congress accompanied by One of his Councillors and an Interpreter. the Chief was dressed in a good Suit of Blue Cloth with a Laced Hat and his Counsellor was wrapped in a Blanket, Cap^t White Eyes shook all the Members heartily by the Hand, beginning with the President and used the same Ceremony at his Departure, he stayed about an Hour, Our President delivered the Speech and the Chief answered by his Interpreter that he was well pleased to hear such a good Speech and meet his Brethren in the Grand Council Fire, that he would faithfully report to his Friends the kind Disposition of the Congress and proposed to stay in Town all Winter—he wanted a Clergyman, Schoolmaster and Blacksmith established among his People and said they inclined to embrace Christianity and a more civilized Way of Life. A Copy of the Congress's Speech was given to him when he withdrew, his Councillor said Nothing. A Motion to keep the Officers and Soldiers all together who were taken at St Johns, took up several Hours and was lost 5 Colonies to 5. A Motion was carried by a bare Majority to permit the Officers to go where they will within the former Orders of Congress till further Order. An Indian introduced Himself by the small Door into the House in the Midst of Debate, he was heard, he wanted Money and was promised a Supply. Several Reports from Committees were made, particularly one relative to Cap^t Motts Petition. Jefferson moved that no new Motions shall be offered after 12 oCloc without special Permission till the Order of the Day is satisfied, which was agreed to. the Com^{tee} appointed to fit out the 13 Ships were impowered to draw on the Treasury

for 500,000 Dollars. Sundry other Things transacted in such a Hurry and Want of Order that I find it impossible to remember them.

Monday Dec. 18. The Minutes read and sundry Portions of them marked for Non Publication as usual. An Order passed to allow Cap^t Mott who takes Care of the Prisoners at Lancaster £30 more for his Expences. Major Preston allowed to go to Lancaster for 10 Days. Com^{rs} of Lancaster impowered to take the Parole of the Officers who are prisoners there. Chief Part of the Day spent on the Dispute between Penns^a and Connecticut, various Resolutions were penned by the Delegates of each Colony but the matter was at last postponed. The Chief Point was Whether Pennsylvania shall have the Jurisdiction over the disputed Territory, She agreeing and her Delegates to pledge themselves for it, that private Property shall not be affected. they declared explicitly that they would not abide by the Determination of Congress unless this was conceded. — An Express arrived from Montreal with Letters from Gen. Montgomery, Col. Arnold and others. Eleven Vessels are taken near Montreal by our people who have also seized Brig. Prescott who had caused all the Powder to be thrown overboard, but the Ships contain plenty of Provision. Ethan Allen is sent to England in Irons. Col. James Livingston is about to raise a Regiment of Canadians in our pay for One Year. Arnold is near Quebec but has not Men enough to surround it and his Powder so damaged, that he has only 5 Rounds apiece. Montgomerys Soldiers very disobedient and many of them come Home without Leave. Frauds discovered in some of his Officers. Gen. Washⁿ in great Want of Powder and most of the Connect^t Troops have left his Army. Accounts of a Skirmish in Virginia and great Preparations in England for an Invasion of Us in the Spring. We sat from 10 oCloc till the Dusk of the Evening.

Tuesday Dec. 19. the Votes read and one Part only marked not to be made Public. agreed to request the Com^{rs} of Safety of Penns^a to lend some Powder and Stands of Arms to the Ships of War now in this Port and almost ready to sail, on an Engagement to use all Endeavors to return them by the 1st of February next. agreed to use the like Endeavors to return by that Time the Powder heretofore borrowed of New York. A Letter from Gen Washⁿ read, the Cruizers there (Massachusetts) have taken Two More of the Enemy's Ships. Debates upon that Part of the Generals Letters requesting Directions how to dispose of the Captures. A report from a Com^{rs} read on that Head, an Amendment proposed by Mr. Wyth implying full Leave for any Person to seize all Ships of G Britain wherever found, was lost on a Vote 5 Colonies ag^t 4 and 2 divided, other Resolves were agreed to after Opposition, importing that all Vessels with their Car-goes including all Men of War, found any way assisting the Enemy shall be liable to confiscation. Some Powder just arrived here and at Dartmouth in N. England

Wednesday Dec. 20. The Votes read and no Passage erased. David Beveridge allowed to send out Produce for Arms and Ammunition. Cap^t Henry Livingston here, the Congress has ordered a handsome Sword to

be made and presented to Him as the Messenger, some Weeks ago, of the Surrender of Montreal. Some money allowed to the Rev. M^r Spencer and the Rev. M^r MacWhorter who are going at the Request of Congress, among the Regulators of North Carolina. Col. Harrison moved something relative to a Vessel or Two of War ordered heretofore to be fitted out at and for Virginia and a Com^{ee} was appointed. Lord Dunmore is driven to his Ships by the Virginians. Gen Was^hs Letters proceeded upon and Answers agreed to. Debate Whether Butter shall be Continued to his Army and carried in the Affirmative. Motion by Jay to allow it to the rest of the Troops, denied or shuffled off. Application from 2 Inhabitants of Nantucket for Leave to import there various Articles of Goods was thrown out, they are allowed Firing and Provisions. Much Time spent on the Wyoming Dispute. Two resolutions were on the Table, one drawn by the Delegates of Pennsylv^a and the other by Connecticut, the former gave Pennsylvania the temporary Jurisdiction and the latter left each Party to exercise Juris^d on their respective Possessions. the Vote passed in Favor of the Connect^d resolve 6 Colonies to 4 and Mr. Livingston and myself declined voting for our Colony. the Delegates of Penns^a were very angry and discontented with this Determination of Congress.

Thursday Dec. 21. The Journal read and several Parts to be omitted as usual. M^r Rogers took his Seat as a Delegate for Maryland, Mr. John Penn from N Carolina had been here some Time. M^r Kean made report from the Com^{ee} on Gen. Schuylers Letters it was partly considered and some Articles agreed to. By Ballot D^r Holmes was chosen Surgeon and M^r Halstead Quarter Master to the two Battalions (L^d Stirlings and Maxwells) just raised in N Jersey. The Congress resolved itself into a Grand Com^{ee}, Gov^r Ward in the Chair, to consider Whether to order the General to storm or bombard Boston in Answer to part of his Dispatches, it was made a Question Whether the Continent should indemnify the Losers. the Gen. says he can, if it is a hard Winter, destroy the Fleet and Army there and at any Rate he can bombard and ruin the Town when he pleases. the Chairman desired Leave to sit again. Leave for M. de Rigouville a Canadian Gentⁿ one of the Kings Legislative Council there, but now Prisoner at Trenton to come to Town to confess Himself to the Priest. James Livingston Esq^r Colonel and the other Officers of the new Canadian Regiment ordered to be Commissioned. The grateful Acknowledgments of the Congress ordered to Montgomery, Arnold and Easton. a N York Battalion which had returned Home and quitted their Officers ordered to be filled up. Wilson offered a Resolve importing that no more Connecticut People should settle at Wyoming till the Title of the Lands was adjudged, an Amend^t offered that no Pennsylvanians should settle there was voted out and the further Considⁿ of Wilsons Resolve was adjourned.

Friday Dec. 22. the Journal read and some Passages marked. Letters from Lord Stirling and others read, my Lord gives an Account of the Situation and Condition of the 2 Battalions in Jersey and complains of the Increase of Toryism. The House again in Grand Com^{ee} on the

Boston Affair and after much canvassing and sundry Propositions offered, the Vote passed for directing Gen. Washⁿ to destroy the Army and Navy at Boston in any Way He and a Council of War shall think best, even if the Town must be burnt, 7 Colonies to 2, one not fully represented and our Colony divided Wm. Livingston being ag^t the Resolution and myself for it. M^r Hancock spoke heartily for this Measure. Esek Hopkins Esq^r of Rhode Island (the same that commanded their Forces in Quality of Brig. General) appointed Commander in Chief of the American Fleet, he is to sail with the Ships of War now fitting out in the Port of Philadelphia and his Pay was voted to be 125 Dollars p^r month 6 Colonies to 4, the latter thought the Pay too high. the Captains, Lieut^s and Warrant Officers as appointed by our Com^{ss} for Naval Affairs, were ordered to be Commissioned, the Question was put Whether any Allowance shall be made to the Admiral for Table Expences and negatived by a large Majority. M^r Hopkins had very generously offered to serve without any Pay. Col. Lee and others gave Him a high Character. A Com^{ss} chosen to confer with the Indians now at the State House. Gen Schuylers Letters finished. Col Harrison the Delegate's Expences ordered to be paid for going lately to Maryland to promote the Equipment of some Frigates there. Motion by Gadsden to publish that Part of Gen Schuylers Letters where the Indians say that Guy Johnson invited them to take up the Hatchet against the Colonists and that he roasted an Ox and gave them a Pipe of Wine asking them to feast on the Flesh and Blood of a New England Man — was deferred, part of Conollys Letters was ordered to put in the News-Papers.

Saturday Dec^r 23. the Journal read and some Parts marked not to be printed. Letter from L^d Stirling praying to be furnished with Powder and Six Field Pieces to defend some Vessels that have taken Shelter on the Coasts of Bergen and Essex, he has seized some Tories. Langdon reported the Proceed'gs of Himself and his Two Colleagues who have been sent by Congress to Ticonderoga, which were read and referred. their Expences reported by the Com^{ss} of Claims and Payment ordered. this Com^{ss} reported other Accounts which were allowed. Dyer read an Act of the Connec^t Legislature just passed, forbidding more Settlers to go on the Wyoming Lands on certain Conditions till further Order of that Assembly, Jay moved that it be recommended to Connec^t to extend the Time till further Order of this Congress, his Motion was carried 4 Colonies to 3 and the rest either divided or absent. the Delegates of Connecticut wanted to set aside this Vote because it was not carried by a Majority of the Colonies present, sed non allocavit. Duane gave in a Sett of Resolves for Sinking the last 3 Millions of Dollars, similar to those on the former 3 Millions and to be sunk in the same Years. they were all agreed to except the Time of Sinking which required further consideration. Debate Whether to admit Cap^t John the Tuscarora Chief and his Companions into Congress terminated in requiring the Com^{ss} to provide them with Food and Raiment for their Return Home. Col. Lee

and Cushing had Leave of Absence. Motion by Gadsden to publish the Part of Gen Schuylers Letters mentioned in Yesterdays Notes, was carried in the Affirmative Jefferson from the Com^{ee} brought in a List of Business before Us. The Com^{ee} on Cap^t Peter Bertons Petition reported that the Prayer of it ought not to be allowed and the Report was confirmed. The Prayer from New York for a large Loan of Continental Bills, disapproved of. the Delegates of Penns^a ordered to inquire what Progress is made in Exchanging Continental Bills for Gold and Silver. A Proposition or Report from a Com^{ee} to send abroad a great Quantity of Produce to be returned in hard Money. A Com^{ee} reported the Draught of an Answer to Gen Montgomerys Letters, advising a General Convention to be summoned in Canada and Delegates to be sent to our Congress &c. Some suppose we ought to keep up at least 3000 Troops in that Province. adjourned till Tuesday, Monday being Christmas.

Tuesday 26 Dec. Votes of Saturday read and Letters from Gen. Washington, from D^r John Morgan, from some New England men at Guadeloupe and other Letters. Duanes Propositions for sinking the last 3 Millions of Dollars were gone thro, the Vote was taken Whether that Money shall be sunk in the Years 1779, 1780, 1781 and 1782 as the first 3 Millions or in the Years 1783, 1784, 1785 and 1786 and carried for the latter. R. Morris informs that Treasurer Clymer says there is about £6000 in Gold and Silver now in the Treasury, Jay moved that it may be immediately sent off to Gen Schuyler which was agreed to. Report from a Com^{ee} recommending inter alia that all Persons who refuse the Continental Bills shall be declared Enemies to their Country was postponed. A Day fixed to consider Whether on the 1st of March next to open the Exportation trade. Instructions to Lieut. Col. Irwin brought in by Jefferson and passed. this officer is to go from hence to Virginia immed'y with what Companies are ready. Report made from a Com^{ee} recom'g that no more Paper Money may be made by Congress but that the Money wanted for the future may be borrowed and the Treasurers give Notes bearing Interest for 100 Dollars and upwards &c referred till Tomorrow. Jay moved that the several Comm^{ees} of Inspection in each Colony should transmit to the Congress Accounts of what Produce has been and shall be exported, with the Returns of Arms and Ammunition and the Prices and Values and to this there was no Objection. An Order took place that all Soldiers in our Service may get their Letters franked and send them free from Postage. L^d Stirlings Letters were referred to William Livingston, Jay and S. Adams. several other Reports, Motions and Matters acted upon.

Wednesday 27 Dec. A Motion was made to allow an Importation of Salt into Virginia, an Amend^t offered that the Allowance should be general, this Amend^t was strongly opposed by Lynch and others, and large Argum^{ts} upon it, the further Considⁿ deferred till Friday Report from a Com^{ee} that 6 Battalions are necessary to be raised for the Continental Service in Virginia (their Convention request 8 Battalions) it was largely controverted Whether they shall recieve the Pay of 6 Dollars

and Two Thirds allowed to the Troops in N. England the Two Carolinas and Georgia, or the reformed Pay of 5 Dollars p month allowed to the Forces raised in N York, N Jersey, Penns^a and the Lower Counties and at length the Determination was postponed by the Interposition of New Jersey according to our Rule that any One Colony may put off the Vote till another Day. Lieut. Hay allowed to negociate a Bill of Exchange to pay his Expences home to Scotland. Complaints of the bad Behavior of some of the Captive Officers and Cap^t Motts Affidavit ordered to be taken thereon. An Allowance made of $\text{£}3$ p man for Cap^t Motts Guard on their Return Home to Connect^a. This Day, it is said, the King's Post finally stopt and the Postmasters shut up the Office.

Thursday 28. the Journals read and one Passage ordered for Omission. Report of Accounts from the Com^{ee} of Claims allowed. One of them was for maintaining some Prisoners in Goal, Harrison moved to enlarge them. Vote Whether the Virginian 6 Battalions shall have 37/6 or 50/ p month our Curr^r was carried for the latter if their Convention cannot raise Men cheaper, 3 Colonies only in the Negative, then a Motion was made by the Virginians that the 6 Battal^{ns} shall be altered to 8. sed non allocatur. there was a considerable Controversy on the main Question Whether the 6 Batt^{ns} shall be raised, it was carried in the Affirmative then a Motion was made by Wilson supported by M^cKean, W^m Livingston and others that the Middle Colony Troops shall have the same Pay, after some Time spent therein it was postponed. Some Talk about dispatching Bulls Regiment to Virginia. Montgomery some Weeks ago was created a Major General. 8000 Dollars advanced to the Com^{ee} of Safety of Penn^a towards Payment of Bulls Battalion. $\text{£}5$ advanced to the Indians for travelling Charges. A Com^{ee} of 5 ballotted for to consider the present State of N York. A Report brought in on the Petition of Cap^t Coffin and Paddock of Nantucket.

Friday 29 Dec. Journal read and one or Two passages ordered to be omitted in Publication. A Petitⁿ from Simeon Sellick committed to myself, Col. Floyd and Francis Lightfoot Lee Esq^r. The House went into Grand Committee, Gov. Ward in the Chair, when it was agreed after much Debate to allow Virginia, Maryland and North Carolina to import as much Salt as their several Conventions or Committees of Safety think necessary from any foreign Country, and to export Produce therefor. Debates upon opening our Ports to foreign Countries after the 1st of March next, within the Terms of our Association, adjourned. A Recommendation to the several Assemblies and Conventions to encorage the Manufacture of Salt, was offered by D^r Franklin, agreed to and ordered to be published. R. Morris informed that a person offers to establish Salt Works on the Jersey Coast if the Congress will lend him $\text{£}200$. M^r Morris and Lynch were desired to inquire more particularly into it. M^cKean gave Information that a Quantity of Arms, Ammunition and Cannon is buried near Sir John Johnsons House with his Privy and that some Scotch and other Tories are there enlisted by the Enemy, a Com^{ee} of 3 was appointed to examine the Two Men who

brought the report to M^cKean and to ascertain the Fact as far as they can. Leave granted for a Lieut. a Prisoner, to come to Philad^a for 2 Weeks. Andrew Allen presented a Petition from a Number of the Inhabitants of Northampton and other back Parts of Pennsylvania intimating that they will not obey the Recommendations of Congress in the Wyoming Affair, this Petition gave much Offence and was ordered to lie on the Table. An Application from the Virginia Convention praying Means may be used for the Release of 3 Gentlemen, one of them a Delegate in that Convention named Robinson, lately seized by Lord Dunmore, left for Consideration (the brave Cap^t Manly retook and released these Gentⁿ on their Voyage to Gen. Howe at Boston)

Saturday 30 Dec. A Letter from Gen. Washⁿ with a packet of Letters just taken by Cap^t Manley in a Vessel sent with Provisions from Lord Dunmore to Gen Howe (the same Vessel mentioned in the last page) these Letters were from L^d Dunmore, one Mulcaster, said to be the Kings Natural Brother, Hon. John Stuart and many more Persons in the Southern Colonies One Col. Kirkland of S. Carolina was taken in this Vessel. The Letters took up most of the Day in the Perusal, the S Car^a Delegates pressed strongly to have the Originals delivered to them and the Virginia Delegates and the Congress to keep attested Copies, but it was opposed and the Letters referred to a Com^{tee} there was no Objection to those Delegates taking attested Copies. Gen. Washⁿ has sent to Gen. Howe a spirited Letter informing Him that whatever Severities are inflicted on Col. Allen shall be retaliated on Brig. Gen. Prescott and the like as to other prisoners, a Copy of the Letter was read in Congress. Another Letter was rec^d from Washⁿ recom^g 2 French Gentⁿ who offered to supply this Continent with Powder and these Gentⁿ being in Town our Secret Com^{tee} were desired to treat with them. Leave given to Major Preston to go for 2 weeks to Amboy, after much Opposition. A Guard of 5 men ordered immediately to convoy the hard Money to Gen. Schuyler and to take with them the Men who informed ag^t Sir John Johnson 40 Dollars allowed for their Expences A Com^{tee} directed to give proper orders to Gen Schuyler on this Occasion. Myself from the Com^{tee} made Report on Cap^t Simeon Sellecks Petition. He commands a small Privateer in Connect^t and lately took at Turtle Bay in the Sound, Kings stores to the Amo^t of £1500 lawful Money of Connect^t We allowed Him £100 like Money as a Reward for his Expences, Trouble and Risque, he gave up his Prize for the Continental Use. Debates Whether to stop Lieu^t Moncrief who some Months ago had Leave to go to England and is now about going. he was at length allowed to go.

Monday 1 January 1776. We finished reading the Journal and sundry Passages were marked, according to Custom as improper for present Publication. some Letters read. An Expedition ag^t St Augustine recommended to the Colonies of S. and N. Carolina and Georgia if the ruling Powers there shall deem it practicable. Report from the Com^{tee} on L^d Stirlings Letters partly agreed to, 1000 Dollars and 400 Weight of

Powder was allowed, and partly disagreed to and recommitted much was said upon that Part of it relative to disarming and securing the Tories in N Jersey and in case persons ordered to be secured by Authority would not surrender, then to put them to Death, during this Debate Wilson moved that all Persons in the 13 United Colonies who would not sign the Association should be disarmed and several written Propositions were made about disarming, securing and destroying such Tories as resisted an Arrest ordered by the present Authority. 2 Companies of L^d Stirlings Reg^t are to go to New Fort on the North River in the Highlands. the Report on Capt. Sellicks Affair confirmed. An Order passed to commission the Officers of the Battalions raised in N. Carolina. Motion by Dyer to pay a Gentlemans Expences who accompanied the 2 Frenchmen from Gen. Washⁿ Camp, was postponed. Motion by Langdon and Bartlett to take one Battalion of the New Hampshire Troops into Continental Pay was opposed by Jay and others and the Matter adjourned. A printed Copy of Mr. Rittenhouse's Oration was presented to each Delegate by the Philosophical Society of Philad^a and in Nov^r preceeding Mess^{rs} Norman and Bell dedicated to and furnished the Members with a neat American Edition of Swan's Designs in Architecture. A former Article or Order respecting Deserters was ordered to be published in the Papers. An Adjutant chosen by Ballot for Col Bulls Battalion.

Tuesday 2 Jan^r Before Congress met I attended the Com^{ee} of Claims. Some Acco^{ns} of Cap^t Mott, Egbert Dumond and others for Subsistance and traveling Expences of the Prisoners from S^t Johns, were adjusted, these Expences run very high. Yesterdays Minutes read. Agreed to write to Gen Schuyler ordering Him to confine Brig. Gen. Prescott now at Kingston in Ulster County, till further Order, acquaint'g. Him, Schuyler, of the reason viz the ill Usage of Col. Ethan Allen. We did not order the Prisoner into Irons because it is not quite certain how Allen is treated. Some Acco^{ns} were reported by M^r Willing Chairman of the Com^{ee} of Claims which were passed. Gadsden moved to add a Friend of his to John Rutledge and Middleton now in S. Carolina to whom the Dispatches of Congress relative to the Attack on S^t Augustine are to be directed, and he further moved for Leave to repair to S. Carolina he being Commander in Chief of the Militia there where an Attack is apprehended. these Motions were opposed by his Colleagues Lynch and E. Rutledge and others and were carried in the Negative. Bartlett and S. Adams were added to the Com^{ee} of Claims. the Com^{ee} on L^d Stirlings Letters again made Report which being discussed and amended was passed and that Part of it concerning the future Treatment of the Tories was directed to be published in the News Papers. The Report from the Com^{ee} on Cap^t Coffin and Cap^t Paddocks Petition whereby they allowed Nantucket to import 7000 Barrels of Flour & Annum, there being on that Island about 7000 People, was objected to and at length rejected. It is said We have no less than 51 Battalions now raised or ordered so to be in the 13 United Colonies. a thin Congress today, not more than 30 Members.

Wednesday 3^d. I was on the Com^{ee} of Claims sundry Acco^{ts} were there adjusted as Cap^t Motts, the Signers of the first 3 Millions of Dollars whose Acco^t came to £437-2-8½ Penns^a Cur. and some others. In Congress the Report on the State of New York was considered. Col. Nat Heard of the Minute Men at Woodbridge and Col. Warterbury of Connecticut are ordered to take each a large Body of their Men and meet at a Day agreed on in Queens County Long Island and there disarm the Tories and secure the Ringleaders who it is said are provided with Arms and Ammunition from the Asia Man of War, and other Parts of the Report agreed to as was a Report from the Secret Com^{ee} implying that a large Quantity of Produce shall be exported for a Supply of Sail Cloth, other Cloth, Blankets, Needles, Military Stores and other Necessaries to fit out our Fleet and Army. A Report recommend'g to send out Produce to the Amount of 160,000 Dollars for the Importation of Gold and Silver, was rejected after thorough Discussion. M^r Alexander from Maryland took his Seat. Reports of Accounts from the Com^{ee} of Claims confirmed. A Letter was recieved from M^r Hanson Chairman of a Com^{ee} in Maryland with Conolly and Cameron Two Prisoners. Smith made his Escape. The Com^{ee} of Safety here were desired to secure and take the Examination of these Criminals and a Letter was directed to be sent to the Com^{ee} of Frederick County to search a certain Saddle for Conollys Instructions. Intelligence of this Saddle had been rec^d from Gen. Washⁿ from whom a Letter was now rec^d inclos'g a Copy of Gen. Howe's Answer to our Generals spirited Requisition about Allen. An Answer was made up and sealed to L^d Stirling inclosing Copies of the necessary Papers. Application was made from the Com^{ee} of Philad^a asking Advice Whether to secure L^d Drummond and Andrew Elliot now in Philad^a. some Members gave them good political Characters and they remained unhurt. 4 Colonels were ballotted for to command the 4 Battalions now raising in Penns^a These officers were chosen as the Delegates of that Province recommended viz 1 Arthur S^t Clair who ranks next to Col. Bull 2. John Shee 3 Anthony Wayne 4 Robert Magaw. they had been ballotted for with 4 others in the Com^{ee} of Safety and had the highest Votes.

Thursday 4 Jan^r Com^{ee} of Claims allowed the Acco^{ts} for keeping Conolly and his Associates and bringing them from Maryland to Philad^a. Congress agreed to raise a Sixth Battalion in Penns^a and in the Counties of Cumberland and York, the People there offering their Service, and that one Comp^y in each of the Six Battalions shall consist of Riflemen. the Lieut. Col^{ls} to the 4 Penns^a Battal^{ls} were now appointed and an Order entered for settling the Rank of Officers chosen in one Day viz. as they are entered on our Journals and their Commissions are to be numbered. The said L^t Col^{ls} are 1. Lambart Cadwallader 2. Wm. Allen Jun^r 3 Francis Johnston, 4 Joseph Penrose. Reports from the Com^{ee} of Claims allowed. Debates on the Report of the State of N York, great Fault found with the Fort now constructing in the Highlands under the Auspices of Bernard Romans the Engineer, as too large and expensive and ill calculated to annoy the Enemy. Maps produced and Proceedings of the N York Con-

vention thereon read. M^r Palmer attending on their Behalf, ordered that he be heard Tomorrow Morn'g. a Vessel or Two of War are now fitting out in Maryland on Acco^t of the Congress. I rec^d from the Continental Treasury the 1000 Dollars lately advanced to our Com^{tee} of Safety for purchasing Arms for the Use of the Continental Troops raised here. I wrote to Samuel Tucker Esq^r, Presid^t of the Com^{tee} of Safety and forwarded the Dispatches and Articles of War to L^d Stirling. the Majors of the 4 Penns^a Battalions were appointed viz. 1 Jos. Wood 2. Geo. Nagle 3. Henry Bicker 4. Nicholas Hausaker. A Commissary ordered for the 3 companies gone to Accomac (they were afterwards recalled) Major Preston allowed the Liberty of other Captive Officers. A report made on the Allowance proper for Officers Prisoners.

Friday 5. On my Motion it was resolved that 10,000 Dol^r shall be struc to exchange ragged and torn Bills, under the Inspection of the Persons now forwarding the last 3 Millions and of the same Denomin^a. A Collection of Money was made among the Delegates for M^r Lovell now in Boston Goal and a Requisition agreed to be made through Washington to Howe, to exchange that Gent^l for Major Skeene Sen^r. it had been proposed to present Him with 100 or 200 Doll^r but that was dropt as a bad Precedent. M^r Palmer and Cap^t — from New York called in and examined as to the Fortifications to be built on Hudsons River, this Affair took up several Hours and was at last, after passing a Resolⁿ to abandon the Works at Martilers Rock with Romans the Projector of them and to fortify at Poplopens Kill, referred back to the N. York Convention or Com^{tee} of Safety to execute this Resolve as they may think fit. the Delegates of N Jersey and Connect^t were desired to take the proper Steps for carry'g into Execution the Resolves of Yesterday about disarming and seizing the Tories on Long Island. some Acco^{ts} passed and the New York Report agreed to. A long Memorial from the Town of Newport was presented pray'g Leave to continue to supply the British Men of War with Provisions otherwise they fear immediate Destruction, this was postponed. The Com^{tee} of Phil^a prayed Directions about selling and drinking Tea, which was deferred. Benj^t Davies eldest Lieut. in Col. Bulls Battalion was chosen by Ballot a Captain vice W^m Allen Jun. promoted to a L^t Col-ship. An Application from the Wife of Lieut. Tyler of Connect^t now a Prisoner on Board of the Men of War near N York requesting Means may be used for exchanging Him, Deferred. Our Secret Com^{tee} have sent to Europe for some able Engineers much wanted now in America. it is said a Specimen of the Saltpetre Rock in Virginia was sometime past produced in Congress. Quære Whether it answers Expectation.

Saturday 6 Jan^r Minutes of yesterday read and Letters informing of a considerable Quantity of Powder just arrived at Egg Harbor, some of it consigned to the Congress by Jonatⁿ Parsons, some consigned to Pelatiah Webster and some to another Person in Philad^a. Congress agreed to purchase the whole and the Secret Com^{tee} are desired to have it brought here under a Guard commanded by a Lieut. a Letter of Thanks directed

to be sent to M^r Parsons for his Attention to the Public Welfare. I sent off the Dispatches to Col^l Waterbury and Heard by M^r Palmer of N York province. A Letter was recieved from a French or Swiss Officer at Lisbon offering his Service and another or Two from other Foreign Officers, these were committed to the Secret Com^{ee}. The Memorial from the Town of Newport was agitated for several Hours and at last referred generally to the Assembly of Rhode Island. M^r Gadsden from the Naval Com^{ee} reported the Rules for Distribution of the Prize Money which were confirmed with one Alteration viz, That the Rewards for extraordinary Exertions shall not be paid out of the Continental Share of the Captures. Letters just rec^d from Gen^l Schuyler, Montgomery and Wooster pressing for an immediate Supply of hard Money and for more Troops otherwise they fear all will be lost in that Quarter. Montgomery was before Quebec on the 16th of Dec^r with 8 or 900 effective Men and some Canadians and had planted by Way of Feint a Battery of Cannon ag^t the Lower Town but intended his chief Efforts by Way of Storm ag^t the Upper Town. Monday Morn'g was assigned to consider this Business and Nothing else to interfere, the Delegates to be upon Honor to meet punctually at 10 oCloc. A Report respecting Canada was produced. D^r Franklin shewed me today a Pattern Paper containing 6 or 8 Sorts of Cloths lately manufactured at one or both of the Company Manufactories of Philad^a. Col^l Heard and Waterbury are to disarm the Tories of Queens County on Oath that they have delivered up all their Arms and ammunitⁿ and to imprison all that refuse the Oath, these Tories are not to quit their County without a Pass certifying that they are welldisposed to the American Cause — all to be considered as Tories who voted ag^t sending Delegates to the present N York Convention no Lawyer may bring an Action for them. Quaere Whether People are not forbid to trade with these Tories. the Col^l are also to seize certain Persons named in a List and confine them till further Order of Congress. 500 Doll^r and 200 Lb. of Powder allowed for the Expedition (which was afterwards well executed by the Jersey Militia only those of Connect^t being countermanded)

Monday 8 January. Votes of Saturday read as were Letters from Gen^l Schuyler and Montgomery. the latter, it seems, was before Quebec the 5th of Dec^r and expects Success in his intended Storm, he demands 10,000 Men to defend Canada. A Report consisting of several Articles about that Country was agreed to, then it was voted, after much Consideration that 9 Battalions shall be destined for the Service in Canada including the Canadian Regiment there which is intended to consist of 1000 Men under Col. James Livingston. A Battalion consists of about 726 Officers and Men. One of these Battalions is to be raised in New Hampshire, One in Connect^t, One in N York. Col. Maxwells to be sent out of N Jersey, Col Bull's to be sent out of Penns^a and a new One to be raised there, Two to be reinlisted from the Corps under Montg^r and Arnold. this Business took up the whole Day but previous to its coming on and after the Letters were read, Gadsden moved and was seconded by me that

Col. Arnold may be made a Brigadier Gen. and recieve the Thanks of the Congress for his extraordinary March from Cambridge to Quebec and for his other spirited Exertions, this was debated and put off till Tomorrow. The Kings Speech of the 27th of October (1775) arrived to day as did a Report that a large Fleet was seen at Sea with 5000 Troops on Board, but some think this premature. An Express came with Letters from Baltimore inform'g that L^d Dunmore has destroyed the Town of Norfolk in Virginia. 300 Barrels of Powder just arrived in New York as did 8 Ton the Week before. 50 or 60 Tons of Saltpetre arrived here at Phil^a in Masons Vessel, the 3 Comp^t under L^t Col. Irwin of Bulls Battalⁿ gone to Accomac are to return soon and be replaced by Minute men from Maryland.

Tuesday Jan. 9. the Votes read and some Letters, one of them from Matthew Tilghman Esq. President of the Convention in Maryland desiring our Two small armed Vessels the Hornet and Viper at Baltimore may convoy to the Capes of Virginia some Vessels going with Provisions on Acco^t of the Congress, to get Necessaries for our Fleet and Army, this was agreed to and Directions are to be given to Admiral Hopkins to meet them. A Letter from L^d Stirling enclosing a Packet which he caused to be intercepted near Elizabeth Town containing 1. A Letter from Gov. Franklin to Lord Dartmouth inimical to the Americans which inclosed a printed Journal of Congress, an Extract from the Votes of the Jersey Convention, a Paper from New England, a Copy of a Petition to our Assembly against Independency, the manuscript Votes of last Session, with his Messages and the Councils and some Newspapers as also some Notes of the Speeches made in our Assembly by John Dickinson John Jay and Geo. Wyth when they lately attended there from the Congress and prevailed with the Assembly to drop their Petition to the King, there was likewise a Copy of John De Harts Resignation, divers of these papers were in the Hand Writing of Cortland Skinner Speaker of the Assembly who immediately upon this Discovery fled on Board of the Ship Dutchess of Gordon, those copied by Him were the Extract, the Paper from N England, the Notes and the Resignation, the Petition was in Dan^l Ellis's Hand. 2. A Letter from Cortland Skinner to his Bro^r W^m full of strong Toryism. some Letters were in the Packet directed to M^r Gage which L^d Stirling opened and sent forward. After going thro other Business the Congress directed that the Presid^t shall write to L^d Stirling to seize Cortland Skinner and to keep Him confined till further Order from hence and that he be examined before the Com^{tee} of Safety in N Jersey who are to have a Copy of his Letter and his Examinⁿ is to be transmitted to this Congress. Nothing was done respecting Gov. Franklin. The Com^{tee} of Claims reported some Acco^{ts} for Cartage of Powder, to Cambridge and Accounts of Abr^m Hunt and others which brought on a Discourse of the extravagant Living of the Captive Officers at Trenton, a Motion was made that they be notified that it shall be at their own Expence which was committed to W^m Livingston, Floyd and Dyer. The Report on Gen. Schuylers Letters was taken up, some of the Articles agreed to and some recommitted. Cap^t

Lamb of the Artillery was rewarded with the Rank of Major and to be allowed 50 Dollars per Month from the 1st of January Instant and to be Commandant of the Artillery in Canada, the PayMaster with Schuylers Army to be allowed Two Deputies. John MacPherson added Camp to Montg^r promoted to be a Major, a Conductor of Artillery appointed, distinct from the Commandant, — the Promotion of Arnold was again moved and deferred till Tomorrow. Wilson moved and was strongly supported that the Congress may expressly declare to their Constituents and the World their present Intentions respecting an Independency, observing that the Kings Speech directly charged Us with that Design, he was opposed but Friday was fixed for going into that Affair. Several Members said that if a Foreign Force shall be sent here, they are willing to declare the Colonies in a State of Independent Sovereignty. M. Pliant one of the Two Frenchmen in Treaty with our Secret Com^{tee} offers to supply the Continent from France with all Sorts of Goods and Military Stores at the price common in France and hints that our Ships may trade to that Kingdom by Connivance and that they are willing to send their Bottoms here, he treats apparently in Behalf of a Company at Paris and he stays here till his Partner returns from thence. the Militia ordered to be discharged from the Fort at the Highlands on Hudsons River. 500,000 Dollars voted to be sent to Gen Washington through the Penns^a Delegates. the President desired to write to Gen. Schuyler inter alia requiring Him to try Lieut. Halsey at a Court Martial. Col. Van Schaick, L^t Col. Yates and Major Gansevoort are to be continued in the Service and appointed to that Battalⁿ now to be raised in N York. A Communication is to be opened between Skeenesborough and Fort Anne and Wood Creek to be cleared out.

Wednesday 10 Jan^r the Votes of Yesterday read. 35,000 Dollars allowed to Thomas Lowrey the Jersey Commissary in Addition to what he has had, for fitting out L^d Stirlings and Maxwells Troops. the Com^{tee} of Safety in Penns^a desired to fit out with Necessaries their 6 Battalions. A Third Battalion ordered to be raised in N Jersey on the same Terms with the other Two, this was on Motion of W. Livingston. Duane moved that 4 more Battalions may be raised in N York, after Discussion it was referred to a Com^{tee} of 5 now named to consider what Force is necessary to be raised in the 13 United Colonies. The Two vacant Brigadierships were now filled up, the Penns^a Delegates, Wilson in particular, contended strenuously for Col. Thompson but Major Gen. Fry of the Massachusetts was elected 9 Colonies to 3. Benedict Arnold Esq^r was unanimously elected the other Brig. The Field Officers of the 6th Penns^a Battalion were fixed, viz W^m Irvin Col. Tho^s Hartley L^t Col. and James Dunlap Major. the Resolution for subduing the Tories on Queens County was now altered so that no Troops are to go from Connect^t but Heard is to call on L^d Stirling for 3 of his Companies, I sent the Dispatches to Col. Heard by Cap^t Morris. Hooper read Two Letters from North Carolina informing of Commotions there between the Whigs and the Tories of the back Parts. Foreign Goods begin now to come in, I bought some Linnen from S^t Eustatia at 4/ per

yard. A Report passed concern'g the proper Necessaries for Maxwells Battalion about to march to Canada who are to have the same Pay, 50/ 8th Month for the Privates, as the Northern Forces, to commence from the Time they set off. the Com^{rs} of Claims reported some Acco^{ts} and among them Commissary Lowreys.

Thursday 11 Jan^r The Com^{rs} of Claims settled the Acco^{ts} of the Commissioners of the Northern Department of Indians, the whole Expence of the late Treaty at Albany was about £3300. In Congress a Recommendation was directed to the New York Convention to release by Exchange Lieut. Tyler of Connecticut now a Prisoner on Board of the Asia. A Com^{rs} was appointed to give proper Instructions to the Officers on the recruiting Service. A Report from the Com^{rs} on Paper Currency was ably argued for 4 Hours, the Report recommended that the present 6 Millions of Dollars be called in and large Notes issued to that Amount bearing Interest, with sundry other Particulars, but a Proposition of Duane's took Place implying that all who refuse to take the Continental Curr^y shall be treated as Enemies to their Country, a subsequent Resolution was voted out importing that the several Assemblies, Conventions and Committees of Safety shall take Care to put this Resolve in Execution. A Letter from Owen Jones Provincial Treasurer here to a County Treasurer was read desiring as little Congress Money might be sent to him as possible for that he could not change it into Province Bills and a Letter from another Person fearing a Depreciation. Something was said about preventing Counterfeits.

Friday 12. the Minutes read. the Com^{rs} of Claims made some Reports of Accounts. M^r W^m Livingston made a Report on the Mode of maintaining the Captive Officers at Trenton which being amended was passed, they are to pay their own Expences, to be removed to some other Place and be allowed 15/ 8th Week which they are to repay already having had Leave to draw Bills of Exchange for their Subsistence. In Grand Com^{rs} Gov^r Ward in the Chair, the Point was Whether to open Trade to Foreign Countries on the First of March next, wherein much Ability was displayed for several Hours and at last it was postponed for a Week, then the Com^{rs} went on the Affair of allowing the Sale of what Tea is on Hand which was strongly advocated by M^cKean and others and as strongly opposed by D^r Franklin, Lynch &c and the result Delayed till Tomorrow.

Saturday 13 Jan^r the Votes read and Letters from Gen Washⁿ, Governor Trumbull and others. An Application from Connect^t for more Money was objected to because no Accounts have been exhibited and the Motion was withdrawn. Some Amend^t proposed by Duane to the Resolutions of Thursday concerning the Credit of the Continental Bills, were lost on a Vote. Several Petitions were presented desiring a new Arrangement of some Officers in Bulls Battalion and that Morgan may be preferred to the first Lieutenancy, this last was agreed to but the other discountenanced. Debates Whether Bernard Romans shall be called in and examined about his Fortifications on Hudsons River were terminated in a Reference to 5 Members.

Monday 15. Letters from Washington, Montgomery, Arnold and others. 3 Letters from L^d Stirling enclosing Letters between Gov^r Franklin and Lieut. Col. Winds, they were on the Point of removing the Gov^r to genteel Lodgings at Eliz^a Town till the Pleasure of Congress is known, this Business was referred to W^m Livingston and 4 others, and a Com^{ee} of 3 appointed on Washⁿ. Letters then the House went into Grand Com^{ee} Gov^r Ward in the Chair, on the Permission to sell and use what Tea is in the Country, it was battled for divers Hours with much Heat and much Oratory and at length it was carried ag^t granting any Permission by 7 Colonies to 4. (however the Advocates for this Measure carried their point in March or April following). A Paragraph of a Letter from Peter Timothy was read whereby it appears that any Two of the S. Carolina Gent^{en} are constituted a Quorum. A Com^{ee} was appointed of which Wisner was Head, to provide for Casting Cannon for the Land and Sea Service. I wrote to M^r Kinsey this Even^g, inclosing Copies of Gov^r Franklins and Cortland Skinners intercepted Letters. it was recommended to the Com^{ee} of Safety of Penns^a to discharge such Privates as they pleased that were lately cast away on Board of the Transport at Egg Harbor. In the Morning the Com^{ee} of Claims settled several Acco^{ts} as Hiltzheimers for Expresses and others, Expences run very high.

1786 Tuesday 16. January. Mess^{rs} Walcott and Huntington from Connecticut took their Seats. A Report passed from the Com^{ee} on Gen. Washⁿ Letters, to allow the Paymaster at Cambridge to draw upon the Continental Treasurers for any Sum not exceeding a Months Pay of that Army, to allow Him to reinlist the free Negroes, to continue Col Gridley as Chief Engineer, to appoint a Chaplain to every 2 Battalions and the Pay of such Chaplain fixed at 33 $\frac{1}{2}$ Dollars p Month &c A Tender was asked for and allowed our Naval Armament under Admiral Hopkins. Duane and E. Rutledge were desired to rectify a Mistake in the Journals now printing, as to the Date of the Bills of Credit. The Report was made from the Com^{ee} on the Number of Troops necessary, they recommend 4 new Battalions to be raised in New York and one in N Carolina, the latter was confirmed and a day named to consider the former. considerable Arguments on the Point Whether a Day shall be fixed for considering the Instrument of Confederation formerly brought in by a Com^{ee} it was carried in the Negative, D^r Franklin exerted Himself in Favor of the Confederation as did Hooper, Dickinson and other ag^t it. Two Applications from French or other Foreigners for Employ in our Service, were referred to the Com^{ee} for nominating fit persons for Officers. a French Vessel just arrived here with Powder. it is reported that they are fitting out 4 or 5 Privateers or other Vessels of War in So. Carolina and their Agent is now in this City on his Way to New England to engage 500 Seamen he is empowered to offer such high Terms that the S. Carolina Delegates acquainted Congress with it least it should prejudice our Service and a Com^{ee} was chosen to consider the Matter. A Vessel is about to sail from Philad^a with Produce for Bermudas to procure Powder and if it belongs to the King to seize it

by Force, if there is none there She is to go to New Orleans, Carthagera or to a noted Port near Carthagera or elsewhere and if She cannot get Ammunition the Captain is to obtain hard Money. the Secretary was desired to make out a List of all Committees and their Business and leave it on the Table Col Kirkland with his little Son is brought here and secured in Goal he was offered the Choice of having his Son with him or that the Boy should be put to Colledge, he chose the former. A Petition was presented from Benjamin Randolph of Chesnut Street praying Leave to raise a Troop of Light Horse for Continental Service, it was opposed by E. Rutledge and neglected or rejected.

(To be continued.)

2. *The First Colonial Bishopric, 1786.*

[For the following document the readers of the REVIEW are indebted to Hubert Hall, Esq., F.S.A., of the Public Record Office, Director and Hon. Secretary of the Royal Historical Society. For the subject-matter of the document, see also Dr. Brymner's *Report on the Canadian Archives*, 1894, pp. 405, 407, 443, 445, 447-449. The See thus established was the first colonial bishopric of the Anglican Church. — ED.]

The following original Petition of the Anglican primate and the Bishop of London (to whose see the colonies were relegated) contains many allusions to a state of the Church in North America which was sufficiently notorious in its own day. The document itself is undated, but we may with some confidence assign its date to the year 1786 on the following grounds:—

In the first place, the signatures of the bishops prove that the date must lie between the years 1783 and 1787, since John Moore, Archbishop of Canterbury, was elected in April, 1783, and Robert Lowth, Bishop of London, died in November, 1787. So much, at least, is certain. It might, indeed, be thought that the tone of the Petition would indicate a date previous to the concessions made by the Anglican bishops to the Episcopal Church in the United States, but it is more convenient to suppose that the concessions in question were a further inducement to the erection of an Anglican bishopric in British North America. There was no necessity to refer to the existence of a neighboring Episcopal Church in the United States, since it was perfectly understood that ordination at the hands of its bishops was even more improper than that which the American clergy once sought from the Episcopal Church of Scotland, and in this sense the American

episcopacy was ignored equally with the Scotch in the official correspondence of the period.

Therefore, in spite of the significant reference to the "late events" in America, and even of the admitted existence of a strong agitation in favor of an Anglican bishopric in Nova Scotia during the early part of 1783, we must regard the original correspondence contained in the Colonial Office Records as absolutely conclusive with regard to the latest date which can be assigned for this Petition, namely, August 18, 1786, whilst it will be seen, from the same source of information, that the Petition must have been presented not long anterior to this date.

As early as March 24, 1783, a memorial was presented by eighteen clergymen assembled at New York, advocating the erection of a colonial bishopric for Nova Scotia. Two days later a second memorial was subscribed recommending Dr. Chandler as the first bishop of the proposed see. Both these memorials were forwarded by Governor Carleton in his despatch of April 11, 1783, and this correspondence, with a few more papers relating to the proposed bishopric, has been bound up in a volume of Nova Scotia papers for the year 1786, on the strength of an identical endorsement of each paper stating that it was read at the council on August 23, 1786, and having been referred thereupon to the Committee for Trade (which continued the functions of the old Board of Trade, abolished in 1782), was read there on November 26 following.

Now amongst these papers of 1783 is a rough office copy of our Petition endorsed in a precisely similar form. But in this case it is clear that the Petition itself was referred to the committee, and that the correspondence of 1783 was merely appended to it for purposes of reference. Thus, although the Order in Council of August 18, 1786, above referred to, merely directs that "the several papers relative to the establishment of an episcopate in Nova Scotia be referred," etc., yet the report of the committee, dated May 5, 1787, states that whereas the king was pleased by an order in council, dated August 18, 1786, "to refer unto this committee a representation . . . of John Lord Archbishop of Canterbury and Robert Lord Bishop of London," and that having taken the same "into their most serious consideration, together with the correspondence which passed in the year 1783 . . . on this subject," etc. Moreover, the loyalist emigration, which is so pointedly referred to in the Petition, was not accomplished before. In any case the evils described in the Petition had not been redressed as late as November, 1785, the date of a remarkable report on the state of the Church in Canada, made by an experienced

missionary and confirmed by him in February, 1786. It would seem likely, then, that the agitation of 1783 was revived in London by the powerful missionary party in the spring of 1786, with the result that this Petition was formally presented by the bishops, and was read before the council, as we have seen, in August of that year. Being then referred to the Board of Trade, it remained under consideration by that department between November, 1786, and May, 1787, when a favorable report was made which was followed, after the usual formalities, by the patent to the first bishop, and the proclamation of the new episcopate in September, 1787.

HUBERT HALL.

TO THE KING'S MOST EXCELLENT MAJESTY¹

The humble Representation of John Lord Archbishop of Canterbury and Robert Lord Bishop of London

Sheweth

That in Consequence of the late Events which have separated many of the American Colonies from their Connection with the Church of England, a very large Number of the Episcopal Inhabitants have removed from thence into your Majesty's Provinces of Quebec, Nova Scotia and New Brunswick.

That to provide for the Religious Instruction and Spiritual Comfort both of those Emigrants and of the other Inhabitants of those Provinces in the Communion of the Church of England, the Society for the Propagation of the Gospel have appointed as many Missionaries as the State of their Revenues in Aid of the Allowances granted by Parliament would enable them to support.

That from hence they derive the pleasing hope that those Colonists will be prevented from falling off from the Purity of their Profession untill a more effectual Provision is made for preserving them in perpetual Union and Conformity with the national Church which we are fully persuaded will be the best means of promoting their Temporal as well as Spiritual Welfare; a Measure which we humbly conceive from the present unsettled State of those Countries, cannot take place too soon; for while Christians of every other Denomination there claim and enjoy the compleat Exercise of their Religion in their own respective Forms together with the full Power of providing a Succession of Ministers among themselves, the Church of England is unhappily distinguished by the Want of that Indulgence and put under Difficulties which threaten even it's Existence. The members of this Communion can resort for the Ordination of their Ministers only to England or Ireland; and from the ancient Rite of Confirmation they are totally debarred; as these are Acts peculiar to the Episcopal Order, and transferable to no other. A Popish Bishop is indeed allowed, but to him they cannot apply to ordain their Ministers or to confirm their Children.

¹ Colonial Office Records: "America and West Indies," Bundle 681.

We therefore most humbly and earnestly implore your Majesty to take into consideration the weak and imperfect Condition of the Church of England in America, and to give the Members of its Communion the means of the compleat Exercise of our holy Religion and the full Enjoyment of their Ecclesiastical Constitution, by sending thither a Bishop duly consecrated and appointed by Commission from your Majesty the supreme head of the Church and Fountain of Ecclesiastical Jurisdiction.

This our humble Representation we think it our bounden Duty to offer to your Majesty, more especially at this time, not only in consequence of the Wishes and Expectations of your Majesty's faithful Subjects of the Church of England in those parts, but also because the erection of new Parishes, the Assignment of Stations to the Clergy, driven from their native Provinces on Account of their Attachment to the British Constitution, and a variety of other Circumstances strongly call for an Ecclesiastical Superior whose Authority and Influence may be of the greatest Use in the due Government and Direction of the Clergy. These Points therefore, of the highest Concern to your Majesty's Subjects of the Church of England in your American Dominions We Submit with all Humility to your Royal Consideration, beseeching your Majesty to take such Order therein as to your Wisdom shall seem fit, and the great Importance of them may require.

[Endorsed]

Representation of the
Archbishop of Canter-
bury and the Bishop of
London.

State of the Church in America.

J. CANTUAR.
R. LONDON.

3. *Lincoln's Nomination to Congress, 1846.*

The late Judge N. J. Rockwell, of Mason County, Illinois, was for many years a friend of Abraham Lincoln. The following letter — one, doubtless, of many such — was sent to him in 1846 when Lincoln was making an active canvass for the nomination to Congress. In the following month General Hardin withdrew, and Lincoln was duly nominated and elected. The defeated Democratic candidate was the famous Rev. Peter Cartwright.

Judge Rockwell was a staunch Whig and one of the original Republicans of Illinois. His sterling integrity is illustrated by the fact that having been declared elected to the state Senate he declined to take the seat, on the ground that a sufficient number of votes to elect his opponent had been thrown out by the canvassers on a mere technicality. The Judge spent his last years in Troy, N.Y.; after his death the letter herewith printed was found among his papers by his nephew, Mr. George B. Cluett.

HARRY PRATT JUDSON.

LINCOLN TO N. J. ROCKWELL.

SPRINGFIELD, Jany. 21, 1846.

MR. N. J. ROCKWELL

Dear Sir:

You, perhaps, know that Gen^l Hardin and I have a contest for the Whig nomination for Congress in this District. He has had a turn; and my argument is that "Turn about is fair play." I shall be pleased if this strikes you as a sufficient argument.

Yours truly,

A. LINCOLN.

4. *Letter of John C. Calhoun, 1847.**To the Editor of the American Historical Review:*

The enclosed letter from Mr. Calhoun to Hon. Waddy Thompson of South Carolina may be of interest to some of your readers. While the letter contains perhaps little that is new, it emphasizes in a striking manner the fearless independence of thought and action that renders the character of this eminent man so unique in our history.

LYON G. TYLER.

JOHN C. CALHOUN TO WADDY THOMPSON.¹FORT HILL, 29th Octr 1847.*Dear Sir,*

I have read your letter with attention, and will answer it in the same spirit of candour and freedom, with which it is written.

We do not disagree, as to the cause of the war, nor as to its certain disastrous consequences in the end, let it terminate as it will. We al[s]o agree in the opinion, that the war ought to terminate, and that my position requires me to use my best efforts to bring it to an end. But the great practical question is; How can that be done?

In deciding that question, it must not be overlooked, that both parties by large majorities stand committed by their recorded votes, not only to the war, but that the war is a war of aggression on the part of the Republic of Mexico, aggression by invasion and spilling American blood on American soil, and thus committed also to the Rio Grande being the Western boundary of the state of Texas. It is true, that very few of either party believed, that there was any just cause of war, or that the Rio Grande was the Western boundary of Texas, or that the Republic of Mexico had made war on us by the invasion of our territory, or any other way; but it is equally true, that by an act of unexampled weakness, to use the mildest terms, both stand by admission on record to the very opposite of their belief. And what is

¹ MS. in private possession.

worse, they have by this act of unpar[all]elled weakness, committed large portions of both parties out of Congress to the war, as just and unavoidable on our part.

The effect of all this, with brilliant atchievements of our arms, have been greatly to weaken the opposition and to strengthen the party in power, and to make it impossible, in my opinion, to terminate the war in the manner you propose. I go further, to attempt it, would only tend, under circumstances, to weaken those, who make it, and give a new impulse to what is called the vigorous prosecution of the war, instead of bringing it to a termination. I thought so at the last session, and so informed Mr. Berrien and the other Whig members, when he presented his amendment, and such in my opinion has been the effect, and will continue to be its effect, if it should be renewed at the next session. The course I adopted then, or rather suggested, was the only one that had the least prospect of bring[ing] the war to an end. I stood prepared to carry it out, if I had been supported ; and, if I had been, the carnage and expenses of this campaign, would have been avoided. I shall take my seat prepared to do all in my power to bring it to an end, consistently with the state of things, in which I may find the country ; but I fear with as little support, as I had in opposition to the war, or in my attempt to terminate it, at the last session. The fatal error of the Whigs, in voting for the war, has rendered them impotent, as a party, in opposition to it ; and let me add, that while I agree with them in the policy of preserving the peace of the country, as long as it can be consistently with honor, I fear their timidity, as a party, on all questions, including peace and war, is so great, as to render their policy of preserving peace of little avail. It is not only in this instance, that it has disclosed itself. Even on the Oregon question, they gave away, before my arrival at Washington, on Cass's resolution, and rendered it very difficult to re[co]ver what was then lost. To go farther back ; they made but feeble efforts to preserve peace during Jackson and Van Buren's time on the Maine boundary question, and permitted me to stand alone in open opposition to Genl^l Jackson's course, in reference to the French indemnity, backed by the report of the Committee of Foreign relations in the Senate, which, had it not been for the mediation of England, would have ended in War. I rose in my place in the Senate, after the report was read, and exposed and denounced the whole affair, without a voice raised in my support. It is this timidity, when they are right, in questions connected with our foreign relations, and their errors, in reference to those appertaining to our domestick relations, which keeps them out of power, notwithstanding their individual respectability, and prevents them from performing, with effect, the important duties of an opposition. I am sure you will excuse this free expression of my opinion, in relation to a party, with which you rank yourself.

With great respect

I am &c.

J. C. CALHOUN.

HON. W. THOMPSON.

REVIEWS OF BOOKS

La Enseñanza de la Historia. Por RAFAEL ALTAMIRA, Secretario del Museo Pedagógico Nacional, etc. (Madrid: Librería de Victoriano Suárez. 1895. Pp. xii, 457.)

ALTHOUGH nominally a second edition, this is really a new work; for the first edition, printed in 1891, was not put on sale generally, but was privately circulated. In its preparation Mr. Altamira has evidently had two objects in view, the improvement of historical teaching in Spain, and the advancement of intelligent historical study. After a brief declaration of his pedagogical principles, he takes a rapid survey of the present condition of historical teaching in Europe and the United States. This sketch is interesting and seems to be based on both personal experience and a careful examination of a mass of recent literature.

The proper scope of history is the subject of the third chapter, and it is discussed, first historically, and then in the light of contemporary opinion. Starting from the classical idea of history as the narrative of the political life of states, Altamira traces the gradual broadening of this conception under the influence of the continual increase of knowledge and the expansion of human interests. Only glimpses of the truth that history is more than past politics can be found before the eighteenth century. In that century the first great representative of the newer conception was Voltaire, but it was also advanced with great distinctness in Spain. Sarmiento in 1775 declared that history should give an account not only of military events but of the physical, geographical, political, moral, theological, and literary phenomena of the national life. Jovellanos (1778) asserted that history should unfold the origin and development of the national constitution, of the civil and political hierarchy, of legislation and customs, of the national glory and the national poverty. Masdeu and Capmany a little later produced brilliant examples of the new history. Yet among all the writers of the eighteenth century Altamira selects Volney as representing the fullest development of these ideas. In 1794, as professor of history in the newly founded École Normale, Volney drew up a programme of history. In it he discussed the certainty of history, its importance, its utility as a study, and other pedagogical questions. This was followed by a proposal of a summary of general history to comprise the progress of the arts, the sciences, public and private morals, and the ideas in regard to them, legislation, emigration, mixture

of races, influence of physical environment, etc.¹ How many of the greatest names in the succeeding century were to be identified with the carrying out of this programme! Volney, however, still attached primary importance to political history. The following has a very familiar and modern sound. "I confess that, in my view, the political utility of history is its sole and proper end: private morals, the advance of the sciences and arts appear to me to be only episodes and accidents; the chief object, the fundamental art, is the application of history to government, to legislation, to the whole economy of societies. So that I should be ready to style history the physiology of states."² This is substantially the doctrine of Seeley. In the second part of this chapter Altamira insists that history should embrace the whole life of humanity. The fifth chapter is taken up with a survey of modern views as to the influence of Nature on history, and as to the proper subject of history, whether the state or the people. The classification of the material to be studied, its proper use and the criticism of it, and a list of printed sources, occupy three chapters of more than ordinary interest and helpfulness. The student will find in them not a few suggestions and bibliographical references in addition to those contained in Bernheim's *Lehrbuch*. The rest of the volume is purely pedagogical and treats of the use of text-books, secondary instruction, and the teaching of history in Spain.

The essence of Altamira's views on the proper method of teaching can be expressed in a few sentences. Such a summary, however, does little justice to the vigor and success with which he expounds them. Lectures and recitations alone are quite inadequate for imparting the mental discipline and practical training to be derived from the study of history. In all but the most elementary instruction there should be some work on the sources of history. The use of text-books and lectures alone burdens the memory and spares the reasoning faculties, implants a wrong idea of the nature of historical study and an excessive reverence for second- and third-hand authorities. "Students are left to receive and assimilate dogmatic results like a mysterious drug without examination." Consequently they come to believe that the larger part of history is uncontestedly authenticated or settled, and that there is little or no further need of investigation. The true text-books should be a collection of documents and works of reference to be used not instead of the sources, but as a guide to the study of them. "The true aim of historical study is the formation of the personality of the pupil, the awakening of his native faculties, especially the critical spirit, and of absolute respect for the truth and the real, caution in judgment and in generalization, and the renunciation of every supposition not authorized by the facts." To

¹ From *Stances des Écoles Normales*, recueillies par des sténographes et revues par les professeurs; edition of 1800, Vol. I., pp. 78, 79; Vol. III., pp. 411-415.

² *Stances*, Vol. II., p. 441. I give these references from Altamira and this space to Volney, because Flint, in his elaborate *History of the Philosophy of History in France*, gives only a very inadequate account of Volney, based on his well-known *Ruins*.

develop these characteristics the pupil must study primarily the objects themselves, and not descriptions of them or opinions about them.

EDWARD GAYLORD BOURNE.

Julian, Philosopher and Emperor, and the Last Struggle of Paganism against Christianity. By ALICE GARDNER, Lecturer and Associate of Newnham College, Cambridge. (London and New York: G. P. Putnam's Sons. 1895. Pp. xx, 364.)

OF blind partisans and bitter detractors the Emperor Julian has had enough and to spare, both in ancient and modern days; of sober and impartial biographers he has had few. Among the latter Miss Gardner must be accorded high rank, for her book is a model of fairness and frankness. Its most conspicuous merit, in fact, is its complete freedom from partisan bias and the just discrimination with which it portrays the character and the conduct not of Julian alone but of his contemporaries as well, whether friends or foes. Even Constantius is generously handled and his attitude toward Julian and his relations with him are set in a true light. It is difficult to write about a character and a career like Julian's—so widely misunderstood, so persistently misinterpreted—without heat and passion, but Miss Gardner has succeeded admirably in maintaining her poise and in preserving that judicial frame of mind which distinguishes the historian from the special pleader. Indeed, if her book errs at all it is in the direction of excessive coolness. The enthusiasm for the subject of her sketch, to which she confesses in her preface, we might almost wish had been allowed a little fuller play and had been a little less rigorously held in check.

The story of Julian's life is told with admirable clearness and simplicity and with an excellent sense of proportion. A brief sketch of the condition of the Roman world under Constantine introduces the reader to the environment in which Julian was born and bred, and serves to elucidate much in his career that must otherwise remain inexplicable. The account of the experiences of his boyhood, and the very interesting description of his early education and of his university life which follow, shed still clearer light upon the subject; for of few great men has it been truer than of Julian that "the boy is father of the man." The chapters upon his religion and philosophy, upon his work as a religious reformer, and upon his policy against the Christians are particularly good and display keen insight and sharp discrimination. The account of Julian's Cæsarship in Gaul is less satisfactory. Not enough of his achievements is told to justify the high encomium pronounced upon him and no attempt is made to analyze his military genius and to explain his remarkable successes. This is the more to be regretted because, though his natural tastes and his early training were anything but military, his imperial ideals and his plans for their realization can be understood only in the light of the fact that he was a successful and popular commander before he became

an emperor and that he owed his crown to his army. There are some other parts of the book where one cannot help wishing that the author had been more thoroughgoing and had grappled a little more earnestly with some of the difficult problems presented by Julian's unique and many-sided personality, but even more serious defects than this any one would gladly overlook in a book containing the characterization of Julian with which Miss Gardner closes her remarks upon his place in history. We know of nothing finer and more discriminating than the following estimate of him:—

"If we look at him impartially and yet with the sympathetic understanding that we can only obtain after trying in imagination to realize his point of view, we see in him not a genius of the first rank in statesmanship, strategy, literature or religious philosophy; not a character unequalled in virtue and strength, but a man who did something because of his earnest devotion to his ideals and who would have done more if he had been gifted with a surer insight and had moved at a less feverish pace. He was a good king and a strong warrior, as his epitaph says. Yet his conduct at Antioch showed him unable to meet all the requirements of a disordered state, and his neglect of precautions, especially in the Persian war, prevents us from ranking him among the great generals of the world. He wrote in what for his age may be regarded as a pure style, but he wrote too rapidly to produce any great work. He was a thinker and often throws a ray of light on matters obscured by convention and prejudice, but his mind was not calm and collected enough for us to rank him among great philosophers. His personal character is most attractive. He had warm affections, a strong desire to do justice, and an abiding sense of moral responsibility." . . . "Yet with all his love of truth and goodness there were some potent types which he was quite incapable of recognizing. With all his desire for equity he could not always be fair to those whom he could not understand. In spite of his realization of the littleness of human effort in the universal system of nature and man, he could not see how powerless were his own endeavors to oppose a barrier to the incoming tide.

"Yet Julian was one to whom much may be forgiven because he loved much. If turning aside from the account of his short and chequered career we look to the main principle by which he was throughout guided we see that it was an entire devotion to the Greek idea of thought and life, a settled determination to prevent as far as in him lay the destruction, by what he regarded as barbarous and degraded forces, of that fair fabric of ancient civilization under which men had learned to venerate beauty and order, to aim at a reasonable, well-contained life, and to live in orderly society under intelligible laws and humane institutions."

A. C. McGIFFERT.

An Advanced History of England. By CYRIL RANSOME. (London and New York: Macmillan and Co. 1895. Pp. xviii, 1069.)

A History of England. By CHARLES OMAN. (London: Edward Arnold. 1895. Pp. iv, 760.)

THE publication in rapid succession of two histories of England, both written by experienced teachers of history, testifies to the need felt for a

compendious text-book on English history for the use of schools and colleges. Both books are designed for English students, and neither of them makes any special pretension to satisfying the needs of American teachers and students. It is exceedingly doubtful whether an English writer could possibly produce a book suitable for college use in America. This is not entirely owing to the natural difference in the point of view from which English history is regarded in the two countries, but to the fact that certain essential features in English history, as for instance the position of the Church in England, are unintelligible to American students without a far more elaborate explanation than is necessary for Englishmen who have absorbed a knowledge of ecclesiastical history from the very existence among them of parish churches and cathedrals. Professor Ransome has for many years held the post of Professor of History in the Yorkshire College at Leeds, one of the best local educational institutions in England, while Mr. Oman is well known at Oxford as one of the ablest history tutors in the university. Their experience has, therefore, been with different types of pupils, but both of them in their prefaces urge their practical knowledge of the needs of teachers and pupils in justification of their appearing as authors of somewhat lengthy and methodical histories of England. They do not cater to the general reader, whose needs are splendidly supplied by Green's *Short History of the English People*, a work not likely to be surpassed during the present generation for general purposes, though it is unfortunately ill-fitted by its very virtues for a college text-book. Both Professor Ransome and Mr. Oman have already gained considerable reputation as historical writers, the former by his excellent *Short History of England*, the latter by his *Art of War in the Middle Ages*, his *History of Europe A.D. 476-918*, and other works. Their latest productions, therefore, have been eagerly looked forward to by historical teachers and scholars on both sides of the Atlantic.

It must be said at once that Professor Ransome's book is marred by a great and essential fault. It is full of inaccuracies. However great may be the shortcomings of a text-book in other respects, they can generally be forgiven if the facts are accurately stated. But, on the other hand, however great may be the merits of a text-book in other respects, it must be condemned if inaccurate. Professor Ransome's book possesses many merits; the space given to periods and events is fairly proportioned; the judgments passed on historical characters are generally just; the accounts of military operations are excellent and illustrated by useful plans of battles; and it presents no partisan view of men or political parties. This is high praise; but every reader of Professor Ransome's little book expected these merits. What was unexpected is the inaccuracy, which makes the book practically useless for teaching purposes. It is hardly possible to look at a page without finding one or more mistakes. Turning, for instance, at random to the chapter on Henry II., the date of the Assize of Clarendon is given as 1156 instead of 1166 (p. 145), and a couple of paragraphs later the date of the Battle of Clontarf is given as

1017 instead of 1014 (p. 147). A most casual examination will show many similar instances of carelessness, as for instance the statement that Madras was founded in 1629 instead of 1639 (p. 797). The author's account of the American War of Independence is full of inaccuracies; he speaks of *Sir* John Burgoyne, though Burgoyne never was knighted; he deprives General Greene of his final *e*; and must needs offend the patriotism of inhabitants of Brooklyn by remarking that Howe withdrew his troops to Long Island, "on which Brooklyn, now a populous suburb of New York, stands" (p. 825). His remarks on Washington, contained in the following sentence, illustrate the tendency of modern English writers to glorify Washington at the expense of the other leaders in the American Revolution, and show a curiously inverted attitude of mind, which must seem strange to American students. "George Washington," he says, "was a Virginia planter and a thorough gentleman, whose simple and fearless character and transparent honesty of purpose gave dignity to the cause which he espoused and inspired respect among the democratic officers and men with whom he had to deal" (p. 825). Professor Ransome's account of the War of 1812 is equally unsatisfactory. He patriotically asserts that the American ships were successful in their duels with the English ships because they were better found, and goes on to state that "in some fights, however, where the vessels were practically on an equality, the British won" (p. 903). He attributes the success of the Americans on the Great Lakes to the superiority of their flotilla and the inferiority of the English commander, and twice miscalls Sir Edward Pakenham *Sir John* Pakenham (p. 904). Whenever Professor Ransome touches on American affairs he makes mistakes; his treatment of the American Civil War is exceedingly faulty. Comment upon the following sentences is needless. "In the end," he says, "the Northerners defeated the Southerners owing to their greater numbers, their greater wealth, and their ability to establish a navy, which gave them command of the sea, which enabled them to paralyse the commerce of the Southerners and to use the seacoast as a basis for military operations, — advantages of which full use was made by the dogged determination of President Lincoln and the military skill of General Grant. During the war the slaves of the Southern States were declared *by the Federal Congress* to be free, and since then the negroes of the United States have had in law the same rights as their fellow-citizens" (p. 1000).

Mr. Oman's book is written on much the same scale as Professor Ransome's, but is perhaps a little more "modern" in form and treatment. It is clearly to be perceived in studying its pages that the author belongs to a later generation of historians than Professor Ransome, and that he is in closer touch with modern historical ideas as developed in Oxford. His book does not offend by the innumerable inaccuracies which mar the merits of its rival, but on the other hand its literary style, in the endeavor to be bright and interesting, compares badly with the sobriety of Professor Ransome's language. Occasionally a certain archaic pedantry in the use

of words is to be observed in the earlier chapters, and a protest must be entered against using, in a book intended for the use of college students, such an adjective as "autolatrous," which is applied on page 574 to Louis XIV. It may perhaps be interesting to compare Mr. Oman's treatment of the American War of Independence, the War of 1812, and the American Civil War with Professor Ransome's attitude on these subjects. Mr. Oman, too, ignores all the heroes of the American Revolution except Washington, and illustrates the English tendency, already alluded to, of exaggerating the rôle of Washington and ignoring or depreciating the work of other leaders. "George Washington," he writes, "was a Virginian planter, who had seen much service in the last French War, and was almost the only colonist who possessed a good military reputation. No choice could have been better; Washington was a staid, upright, energetic man, very different from the windy demagogues who led the rebellion in most of the colonies" (p. 546). It would take too long to examine further Mr. Oman's account of the American War of Independence, but it seems, on the whole, more adequate than Professor Ransome's, although perhaps excessively condensed. With regard to the War of 1812, Mr. Oman, like Professor Ransome, apologizes for the defeats suffered by the English ships in naval duels in the following words: "The fact was that individually the American ships were larger and carried heavier guns than our own, so that the first defeats were no matter of shame to our navy" (p. 627). The military operations are described in half a dozen sentences in which Mr. Oman speaks of Sir George Prevost as "imbecile," and of Sir Edward Pakenham as "over-bold." With regard to his treatment of the Civil War, Mr. Oman is biassed by his passionate admiration for Lord Palmerston, whom he terms "the most striking personage in the middle years of the century" and the statesman who "won and merited the confidence of the nation more than any minister since the younger Pitt" (p. 699). Mr. Oman makes no attempt to describe the events of the Civil War itself, and therefore does not give himself the opportunity of going wrong to the same extent as Professor Ransome. He devotes himself rather to explaining according to his lights how English opinion was divided upon the subject, and to giving high praise to Palmerston, who, according to his theory, tried to steer a middle course, and was not, as ninety-nine out of a hundred people have always held, the mainstay of the Southern sympathizers in England. "It was urged," says Mr. Oman, "that the North were fighting for the cause of liberty against slavery; and this idea affected many earnest-minded men, to the exclusion of any other consideration. On the other side it was urged that the Southern States were exercising an undoubted constitutional right in severing themselves from the Union, and this was true enough in itself. It was certain that the Southerners, who wished for Free Trade, were likely to be better friends of England than the protectionist North, which had always shown a bitter jealousy of English commerce. Many men were moved by the rather unworthy consideration that America was growing so strong and populous

that she might one day become 'the bully of the world,' and welcomed a convulsion that threatened to split the Union into two hostile halves. Others illogically sympathized with the South merely because it was the weaker side, or because they thought the Southern planters better men than the hard and astute traders of the North. The Palmerston Cabinet, with great wisdom, tried to steer a middle course and to avoid all interference. But when the Confederates held their own in arms, they thought themselves bound to recognize them as a belligerent power and to treat them as a nation" (p. 696). Comment upon this passage, with its curious travesty of Palmerston's position, is needless.

It is to be stated in conclusion that both these new histories of England are strong upon the military side and that they are both illustrated with several plans of famous battles. The distinguished authors have produced books which will hardly increase their reputation as historians, but which are nevertheless gallant attempts to meet the want which undoubtedly exists for a competent and scholarly history of England for the use of high schools and colleges.

H. MORSE STEPHENS.

Feudal England: Historical Studies on the XIth and XIIth Centuries. By J. H. ROUND, M.A. (London: Swan Sonnenschein and Co. 1895. Pp. xvi, 587.)

MOST of the papers in this volume have appeared in recent years in the *English Historical Review* and other periodicals; they have been carefully revised, and much new matter has been added. This series of studies, covering the years 1050-1200, is called *Feudal England*, because some of them deal with the origins or early history of the feudal system. A title referring to Domesday Book would, perhaps, be more appropriate, for in the most important essays Domesday Book is carefully exploited; and the most valuable results of Mr. Round's researches are largely based on that great record or on kindred surveys. This volume will, in fact, give him a high rank among Domesday investigators; in his profound knowledge of its formulas and contents he stands without a peer. In *Feudal England*, as in *Geoffrey de Mandeville*, he displays consummate skill in the critical study of records, and uses the evidence thus obtained to check and supplement the chroniclers.

Mr. Round's minute investigations do not yield a mere mass of curious information; some of his deductions are of far-reaching importance. The most instructive papers are those on "Domesday Book" (pp. 3-146) and "The Introduction of Knight Service into England" (pp. 225-314). The second half of the volume is largely devoted to the errors of Professor Freeman, who is accused of viewing plain facts "through a mist of moots and witan" and of sinning against all the canons of historical learning. As regards the famous controversy concerning the palisade at the Battle of Hastings, no one, it seems, has ever called attention to the fact

that Mr. Round's criticism of Professor Freeman's views was anticipated, to a certain extent at least, by G. Koehler in his *Entwicklung des Kriegswesens* (1886), with which work Mr. Round does not seem to be acquainted.

Many of Mr. Round's new conclusions are derived from a careful comparison of Domesday Book with the "Inquisitio Comitatus Cantabrigiensis," which is a copy of the original returns of the Domesday jurors and deals with the holders of lands in Cambridgeshire. He confirms the view that the hide, when used as a measure of area in Domesday, contains 120 acres; and he propounds the new theory that the assessment of land in Domesday is based on the five-hide unit among the Anglo-Saxons in the South, and on the six-carucate unit among the Danes in the North. Most of the southern manors are assessed in Domesday as of five hides or some multiple of five hides, and our author holds that this assessment bore no ratio to area or to value in the vill or the manor; in other words, the hide, in this system of taxation, was not an areal measure but a term of assessment. The territorial hundred, as a whole, was assessed for some multiple of the five-hide unit, and the representatives of the hundred saw that each vill or manor was debited with a correct share of the liability. The part played in the hidated portions of England by the five-hide unit is played in the Danish districts by a unit of six carucates. This rule applies not to the Danelaw, not to "the district which the Danes *conquered*, but the district which the Danes *settled*, the district of 'the Five Boroughs'" (p. 71). Mr. Round's statement regarding this matter is somewhat misleading, for he also includes Yorkshire in the carucated district, and Yorkshire was not dependent on "the Five Boroughs."

The method adopted by the Witan to apportion the Danegeld is explained as follows:—

"Their only possible resource, we might hold, would be to apportion it in round sums among the contributory shires. Proceeding on precisely the same lines, the county court, in its turn, would distribute the *quota* of the shire among its constituent Hundreds, and the Hundred court would then assign to each Vill its share. As the Villages were represented in the Hundred court, and the Hundreds in the Shire court, the just apportionment of the Shire's *quota* would be thus practically secured" (p. 92).

The assertion that the villages were represented in the hundred court and the hundreds in the shire court, though it may be true, is too categorical; the evidence on which this statement is commonly based is certainly very meagre. Moreover, in dealing with the same general subject (p. 97), Mr. Round, like most writers, accepts Bishop Stubbs' dictum that the territorial hundred is first mentioned in England in Edgar's laws; it is, however, clearly mentioned in Edmund's laws, III. c. 2.

Among other matters discussed in connection with Domesday Book, those of special interest are the composition of the juries by whom the returns were made, the origin of the "Inquisitio Eliensis," and the striking differences between the two volumes formed from the Domesday

returns. Mr. Round sees no proof that Domesday Book was compiled in 1086; because the survey was made in 1086, it has been hastily concluded that Domesday Book was completed in that year. He often points out errors in this peerless record; it is not to him the sacrosanct repository of facts that it was to Pepys, who wrote to a friend for information as to what it contained "concerning the sea and the dominion thereof." He also calls attention to the unsound methods employed by modern investigators in studying that great record.

In the essay on knight service our author takes a firm stand against what he calls "the anticataclysmic tendencies of modern thought," or "the theory of gradual development and growth." He rejects the view that military tenures and the feudal system were introduced into England during the reign of William Rufus through the influence of Ranulf Flambard. He believes that just as Henry II. granted out the provinces of Ireland to be held as fiefs by the service of a round number of knights, so William the Conqueror granted out the fiefs he formed in England, and that these fiefs were wholly new creations constructed from the scattered fragments of Anglo-Saxon estates. Thus the Conqueror divided England into military fees and systematically introduced feudal tenures into England. The quotas of knight service were not estimated on the basis of the number of five-hide units contained in the fief, but were determined arbitrarily by the king. The number of differing fiefs assessed at precisely the same amount of knight service proves that the assessment was wholly arbitrary. The knight's fee, held by an undertenant, consisted normally of an estate worth £20 a year, and was not based on the five hides of the Anglo-Saxon system. The whole number of knights' fees for which service was due to the crown did not exceed five thousand.

In dealing with knight service, our author throws much light on the early history of scutage; he proves that it existed at least as early as Henry I.'s reign, and that the amount of scutage was determined by the estimated cost of substitutes hired to perform the vassal's military service. "Thus the only change involved [by the introduction of scutage] would be that the tenant would make his payments not to substitutes, but to the crown." Mr. Round seems to underestimate the importance of this change; for the very essence of scutage is that it is a payment made directly to the king which enables him to dispense with the tenant's military service. Moreover, on pages 270-273, our author seemingly believes that scutage was a necessary corollary of all military tenures from the outset, but on page 533 he states that, when scutage first appears, it is peculiar to church fiefs.

In more than one place in this volume, the conviction is expressed that the Norman Conquest marks a distinct break or starting-point in English history, "that our consecutive political history does, in a sense, begin with the Norman Conquest," and that "the feudal element introduced at the Conquest had a greater influence on our national institutions than recent historians admit." It is interesting to notice the trend of

recent research backward toward the adoption of the "antiquated" views of writers like Selden and Spelman. We see this trend in Pike's *House of Lords*, in Vinogradoff's *Folkland*, and, in a marked degree, in Round's *Feudal England*. There can be little doubt that Freeman unduly exalted the English element and minimized the results of the Norman Conquest. The present drift of investigation seems to be in the right direction, even if it is toward "antiquated" ideas.

CHARLES GROSS.

✓ *England under the Tudors. Vol. I. King Henry VII. (1485-1509).*

By DR. WILHELM BUSCH, Professor of Modern History at the University of Freiburg in Baden. Translated under the supervision of the Rev. A. H. Johnson, M. A., by Alice M. Todd. With an Introduction and some Comments by James Gairdner. (London: A. D. Innes and Co. 1895. Pp. xiv, 445.)

THE various prefaces, introductions, and appendices make Professor Busch's work largely self-explanatory as to its sources, objects, and ideals. This volume is the first of six which are intended to cover the whole of the Tudor period, the first two volumes being devoted to the creation of the absolute monarchy by Henry VII. and Wolsey, the second two to the struggle of Henry VIII. with the Catholic Church and the immediate results of this quarrel, and the third section to the reign of Elizabeth. The work is distinctly a contribution to English history, in that it is based entirely upon a study of contemporary sources. From these the author constructs a picture of Henry VII. which is very different from that which has been most familiar. His avaricious tendencies, which play so large a part in older explanations of his policy, fall into insignificance. The cool calculations of the politician, patiently working out the problems prescribed by his difficult circumstances, rise into corresponding prominence.

The basis of Henry's policy is to be found in the effort, in the first place, to make good his position on the throne, and secondly, to elevate this royal power into a really absolute monarchy. To the first object tended all his complicated foreign relations. The pressure upon continental sovereigns to abstain from the support of pretenders to the English throne, the marriages and marriage treaties by which he obtained recognition among the older and more firmly seated dynasties, the strenuous efforts to maintain peace, so that his finances and internal administration might remain strong and regular, were all directed toward his security on a throne the right to which was, after all, but that of conquest. When this end was attained, his ambition for English prominence in European affairs was satisfied. Even Ireland was, with this view, treated in a strictly opportunist fashion, though part of his policy there was necessarily more creative. His moderate and prudent internal administration was instigated by the same necessity for guarding against deposition in the interest of some pretender, or as the outcome of a renewed civil war. In other internal affairs, how-

ever, a second and more ambitious ideal guided the king. Financial considerations of course often took the first place, as was necessary in the chaotic condition of the treasury and the national impatience of taxation. But commerce, the budding manufactures, the incipient agrarian revolution, judicial organization and practice, his relations with the church and with the nobles, all were treated with the deliberate object of creating an "enlightened despotism." This policy of extension of royal power naturally culminated in the relations between the king and the three Estates of Parliament. With Parliament as such he seems to have had almost no friction. Even the possibility of friction was reduced to its lowest proportions by the infrequent summons of Parliament, but one meeting having occurred during the last twelve years of his reign. A number of important statutes were passed which were in the main dictated by the king's policy, but they seem to have roused no opposition. With the Estates separately there was more danger of contest. Yet Henry succeeded in keeping on good terms with the Church, patronizing the reformers of his time, nominating the bishops and then drawing from their ranks his most trusted ministers. The nobles were reduced to political insignificance, partly by direct means, such as the reorganization of the Council, with respect to its judicial functions, into the Court of Star Chamber, partly by undermining their influence through putting the active work of government into the hands of untitled men and churchmen who were of his own creation. It is suggested rather than asserted that to one of these untitled counsellors, Archbishop Morton, Henry owed most of the statesmanship of his reign.

Dr. Busch's use of the sources is critical, scholarly, and excellent altogether. References are given for all statements, without exception; the sources to be found in England, both printed and manuscript, have been examined with the greatest care, and many continental collections have been utilized which were previously almost unknown to English writers. A most valuable feature of the book is the full description and criticism of the work of the contemporary chroniclers, given in an appendix. An ingenious and carefully worked out demonstration of the former existence and of the authorship of a chronicle now lost is equalled in interest and value by a destructive criticism of Bacon's *History of Henry VII.* This work was written near enough to the period of its subject to obtain a false seeming of being contemporary information, and yet, as is here shown, had no source of knowledge which is not still available to us, and was, moreover, written in an extremely uncritical and careless spirit. Nothing but praise can be given for all this critical apparatus, and for its use in solving the problems of the foreign relations of the king, and of certain other political questions. Henry's tortuous policy in his relations with Ferdinand, with Maximilian, with Philip of Burgundy, with France, Brittany, Scotland, and the Pope, is traced out with the greatest care, ingenuity, and diligence. The objects, also, of much of Henry's internal policy are skilfully generalized, as we have seen, into a deliberate attempt to restore and magnify the English monarchy.

We now come to two fundamental criticisms of Professor Busch's work. He ascribes everything to Henry and his ministers, comparatively little to the times and their characteristics and necessities. Closely connected with this is his omission, or relegation to an obscure treatment, of almost all subjects except foreign affairs and the personal policy of the king. He makes his history of the time a biography of one man, leaving us to the inference that all that history was the creation of the one individual. His own words are, "Thus from the crown came that new life which throbbed throughout England after many years of disorder" (p. 292). Judging from this first volume, the title of the work is something of a misnomer. It is not a history of England under the Tudors, but rather a history of the Tudors reigning in England. Yet the close of the fifteenth century, and the early years of the sixteenth, was a time of peculiar significance quite apart from the character and policy of Henry VII. The fact that much of his legislation was merely a renewal of statutes passed under Edward IV., which is mentioned quite casually by the author, shows that there was a great difference in the times, which allowed the same measures to succeed now which had been ineffective in the earlier reign. Henry's success in rendering the old nobility of so little weight in the government arose far more from changes which had occurred in the numbers, wealth, and social position of the aristocracy, and from the needs of foreign intercourse, than it did from his policy or his efforts. The times almost necessitated the substitution of men of talent in the ministry for men of birth. The Wars of the Roses had depleted the great families, the foreign complications were greater, and demanded a degree of capability which chance alone could provide among the small numbers of the English nobility. Foreign governments were being carried on with greater ability and diplomatic skill, and England, being compelled to meet them on their own ground, had to look for men who had the necessary ability, not merely, as of old, high rank. The same requirement arose from the increasing complexity of the royal internal government. The extension of commerce, also, and of manufactures was far more due to the increase of capital and of enterprise among the people themselves than to the manipulation of the king. Movements of all sorts were in progress with which the king had nothing to do and of which, probably, he had no knowledge.

With these broader movements of the time, Professor Busch concerns himself but little. In his preface he promises "to take as comprehensive and many-sided a view as possible of the development of England in the sixteenth century." Yet he gives some 250 pages to foreign and diplomatic history and to the details of the three great conspiracies, some fifty more to commerce, looked upon largely as a matter of diplomacy, and only about thirty to general internal affairs. It is true that an account of the intellectual movement of the times is designedly left to be treated in connection with a later period, but our objection is to the inadequate treatment of the non-royal and non-diplomatic objects which the author

does touch upon. There were many men whose influence was considerable and whose characters were worthy of study, besides the king and two or three of his ministers and ambassadors; there was a history of the people as well as of the king. As much interest and importance ought to be found in the internal as in the external relations of the nation; military, constitutional, economic, and intellectual matters are certainly worthy to be considered in as great fulness as are diplomatic and foreign affairs. These two characteristics—the exaggeration of the king's influence, and the cursory treatment of many aspects of the time—are, probably, responsible for a certain lack of interesting quality in the work, notwithstanding its scholarly character.

EDWARD P. CHEYNEY.

William the Silent, Prince of Orange: The Moderate Man of the Sixteenth Century. The Story of his Life as told from his own Letters, from those of his Friends and Enemies, and from Official Documents. By RUTH PUTNAM. (New York and London: G. P. Putnam's Sons. 1895. Two vols., pp. xxii, 366; ix, 431, 81.)

MR. MOTLEY'S brilliant and voluminous work has for so many years been considered the authority in English on the history of the Dutch Republic and its great founder, that a writer of to-day dealing with the same subject must be prepared not only to show cause why that history should be rewritten, but also to prove his own special qualifications for the task. Miss Putnam has done both. The story needs to be rewritten because new material has been made accessible to students, and because the demand of to-day is for a true not an idealized representation of the past. The author is admirably fitted for the work by reason of her sympathy with the subject, her historical instinct, a ready pen, a keen sense of humor, and her linguistic equipment. That the latter qualification must be specified, not assumed, is evident from recent attempts to write of Holland without a knowledge of the Dutch language.

A comparison with the work of Mr. Motley is inevitable, but in more than one particular the comparison is favorable to Miss Putnam. Her characters are not pigeonholed "heroes" and "villains," "angels" and "demons," but they win admiration because they preserve their human characteristics, or pity because of their ignorance and narrow-mindedness. The central figure in each of the two works is more attractive as it is presented in the later one. The loneliness and isolation of the life of William the Silent, his craving for sympathy and dependence on friendship, his domestic trials and disappointments, his long separation from home and friends, his sacrifices in the cause of Holland, the half-hearted support of friends and the bitter hatred of enemies, all this comes out in even clearer light in the work of Miss Putnam than it does in the glowing pages of Mr. Motley. The distinctness of the portrait is due to the fact that it

is drawn so largely in the letters of the Prince of Orange himself and in those of the different members of his family. It is a truer and therefore a better reproduction of the original, as a photographic reproduction of a painting is often superior to that given by an engraving. The recent biography is also distinctly superior to the earlier history in its recognition of the fact that footnotes, appendices, and bibliographical material are for the benefit of the general reader and the college student, not merely for the use of the learned few. The illustrations also indicate the advance made in methods of historical representation. The Belgian Lion (I. 78), the Belgian Lion crushed by Spain (II. 2), and the Pacification of Ghent (II. 156), all do more to illustrate clearly the popular feeling towards Spain than could be done by chapters of brilliant descriptions.

The limitations of the work are in the main those that are inherent in all biography. The interest in any individual, no matter how exalted his position, how admirable his character, and how heroic his life, always wanes in the presence of the movement or of the condition of society that he represents. The whole is greater than a part, and William the Silent, although he towers above his contemporaries in nobility of purpose, clearness of insight, and unselfish devotion to the cause whose champion he became, was less than the Netherlands. The Dutch Republic that owed its existence to him was always sluggish in planning if afterwards heroic in executing; it was shortsighted and often timid in its policy, sometimes negatively ungenerous and positively selfish towards its leaders, and as a rule quarrelsome, disaffected, and self-centred. Yet it is around Holland rather than around William the Silent that interest is focussed; the Prince of Orange passes from the stage, but interest in the struggle with Spain never ceases. The hero of the drama is Holland not William, and it is to extinguish the lights at the end of the fourth act when the story is made to close with the death of William rather than with the triumph of his country. In a similar way interest in the private life of a public character must always be subordinate to that felt in his public career. The love of the Prince of Orange for his family, especially for the impetuous Louis, the trial and vexation of spirit he suffered from Anne of Saxony, the companionship he found in Charlotte of Bourbon, all these are of general interest only as they show the influences that developed his public character. Biography is a necessary side-light of history proper, but it can never be a substitute for it.

Another limitation of the present work — a limitation that grows but partly out of the nature of the subject — is the lack of clear analysis of political affairs. The nature of the government of Holland is perplexing even to a careful student of history; it is hopelessly bewildering to the general reader. A single chapter stating clearly and in detail the political principles in accordance with which the different States of the Netherlands were governed, and the relation of the States to Philip II. and to the governor-general of the Provinces, would have done much to lessen the vagueness on these points that is found in the biography. It is true that

the vagueness arises in part from the very nature of political conditions in Holland; powers were everywhere ill-defined, and thus some officials usurped powers and others neglected duties, but this makes only the more necessary a distinct and careful description of the government. The life of the Prince of Orange is drawn with a firm hand, but the political background is confused and unsatisfactory.

The biography as a whole is a valuable contribution to the history of a country too little studied by American scholars.

It is unfortunate that a work so charmingly written should be disfigured by the constant use of the cleft infinitive, the invariable misplacement of the word "only," the occasional use of a singular subject with a plural verb, crude phrases such as "different—than," and a sentence like this: "The pistol was picked up and it was discovered that it had blown off Jaureguy's—such proved to be the name of the villain—thumb in the discharge" (II. 339). *Han* (I. 90, 91) is evidently a misprint for *Ham*. History has given the honorable title of "The Great Elector" to Frederick William of Brandenburg, not to Maurice of Saxony (II. 428). The genealogical tables (I. 7; II. 433) are crowded as regards form, and therefore leave much to be desired. The work has but two maps, and both are unsatisfactory; the map of the Netherlands (II. 20) is confused in coloring, while the map of the United Provinces fails to indicate what the seven provinces were. Other maps are needed, showing the location of Orange and the Nassau estates, as well as the territory affected by the various political unions formed. A copy of the famous painting of Miereveld in the royal museum at Amsterdam would have supplemented well the description of it given in the appendix, and would have been a valuable addition to the many admirable illustrations of the work.

LUCY M. SALMON.

Gustavus Adolphus: A History of the Art of War from its Revival after the Middle Ages to the End of the Spanish Succession War, with a detailed Account of the most famous Campaigns of Turenne, Condé, Eugene, and Marlborough. By THEODORE AYRAULT DODGE, Brevet Lieutenant-Colonel United States Army, retired list. (Boston and New York: Houghton, Mifflin and Company. 1895. Pp. xxiii, 864.)

EVERY one interested in the study of the art of war is beholden to Colonel Dodge for the work that he is doing in setting forth the origin and development of that art in the form of a series of volumes devoted to the lives and achievements of its greatest masters. His work has a value which the separate appreciation of its component volumes would hardly represent. It is the first attempt to produce a convenient means of studying the art of war in the manner recommended by Napoleon, that of reading and rereading the campaigns of the world's great captains. The author takes from among the heroes of military history six epoch-

making representatives, three of whom belong to antiquity and three to modern times: Alexander, Hannibal, Cæsar, Gustavus Adolphus, Frederick the Great, and Napoleon. Grouping about each one his principal contemporaries and such minor predecessors and successors as connect him with his dead and unborn peers, he devotes a separate volume to setting before the reader the several characters of each group in the light of the principal events of their careers.

Like the other volumes of the series, the one before us is dedicated to "The American Soldier," and must be regarded as addressed, and especially suited, to the military reader, by which is meant any one, be he soldier or civilian, who reads for military information. If the object of the reader is political information, he had better look for it in such works as Gindely's and Gardiner's *Thirty Years' War*, and the lives of Gustavus Adolphus by Leslie in English, by Parieu in French, and by Droysen in German. If it is romantic or blood-stirring sensation, he will find it in Schiller's brilliant but untrustworthy history of the Thirty Years' War. Colonel Dodge's book is a comprehensive history of the principal military changes and events which took place in Europe in consequence of the invention of printing, the introduction of gunpowder, and the Reformation. It comprises, beside the campaigns of the great Swede, and of his famous opponents Wallenstein and Tilly, those of Cromwell, Turenne, Condé, Marlborough, Prince Eugene, Charles XII., and other great generals. The author's analyses of characters and summing up of records will be read with special interest and will generally, we believe, be approved. In placing Prince Eugene above Marlborough he but confirms the judgment of the most competent critics. The reader will find in the campaigns of Gustavus the earliest military operations conducted from a regular base, and in the counter-offensive of Wallenstein, culminating in the battle of Lützen, the first grand attempt against an enemy's communications, one in which the offensive, operating as Hood did in Sherman's rear, independently of a base, compelled the opposing army to fall back and fight its own Nashville. In the campaigns of Turenne he will see the wary feints and thrusts characterizing the earliest contests in which both opponents had communications to guard; and then, if he will turn to the chapter on Charles XII., he may behold a descendant of Gustavus, the originator of methodical warfare, plunging with a feeble army into the heart of an enemy's country, in apparent ignorance or disregard of any such thing as a base or line of communication.

The success of every great soldier has been due more or less to his originating some method or implement of war, of which for a time he had a monopoly. This is pre-eminently the case with Gustavus Adolphus. Among the innovations which he is said to have originated or suggested are the paper cartridge, the cartridge-box, the bayonet, light artillery, fixed ammunition for artillery, or the artillery cartridge, the modern tactical unit, or the battalion, and the brigade. He laid the foundations of

modern military discipline, and was the first to provide an army with surgeons and chaplains. There is no other man whose name is associated with as many military improvements. Perhaps the one which is destined to endure the longest is that of the line of communication. Prior to his time armies had depôts and magazines which might have been regarded as bases of operation, but in order to get supplies from them it was necessary to go to them, very much as a modern war vessel goes to a coaling station, or at the best to send to them. There was no regular system for forwarding supplies from them. Gustavus first showed the practicability of such a thing, and in so doing illustrated for the first time the importance of what is now known as Military Geography.

The author begins by briefly sketching the military history of the Middle Ages, and then describes the armament, organization, and tactics of the sixteenth and seventeenth centuries. Here the reader will perhaps be disappointed by the lack of information as to certain details, as to where Gustavus Adolphus devised or invented, and where he simply adopted and introduced, and as to the extent to which his innovations in the Swedish army were copied or anticipated in the armies with which he contended. The reader will learn that about 1626 he introduced the wheel-lock into his army, and may therefrom draw the erroneous conclusion that the wheel-lock was in general use in the Swedish army during the subsequent wars of Gustavus. He is left in the dark as to whether the Germans or Poles had wheel-locks, and is given no adequate idea of what a wheel-lock is or in what respects and to what extent it had the advantage over the match-lock. He is not told the range either of the small arms or of the artillery.

Most of the book is taken up with military operations. One cannot read them without being impressed with the author's familiarity with his subject and with the soundness of his military judgments and criticisms. But the average reader will find it hard to fix his mind upon them. He will lay the book down at frequent intervals, or read but a little at a time. Colonel Dodge has a style of writing which may be characterized as free and easy, and which, it need hardly be added, lacks the conciseness essential to good military narration. He is not careful to state the military problem and the means available for solving it, before taking up the solution of it, and to give an idea of the purpose or object of a movement as he describes it. He omits political details which are properly a part of the military history of the Thirty Years' War, and essential to the lessons to be learned from it.

Gustavus Adolphus entered Germany with a field army numbering about 13,000 men, at a time when the forces under Tilly and Wallenstein numbered about 100,000. He counted on re-enforcements, which soon came to him, from home and from friendly states, but like Alexander in Asia, and Hannibal in Europe, he relied largely for recruits upon the enemy's country. The main or general idea of his successive campaigns was to arouse the disaffected elements in the German Empire and attach them

to his cause. There were two feelings or passions for him to work upon, the religious and the political; and two means of working upon them, persuasion and force. Much, if not most, of the interest of the Thirty Years' War, and of its value as a military study, lies in the political operations conducted by and with these agencies. As an exposition of the state of the art of war, the book would be more instructive if fewer campaigns were discussed, and these gone into more deeply; especially, if more attention were paid to the arrangements on Gustavus' lines of communication, which, together with his political power, would seem to be the great secret of his invincibility. The battles are very well described, the numbers, dispositions, movements, and results being clearly, and perhaps without exception correctly, set forth. Colonel Dodge asserts that at the battle of Breitenfeld the Imperialists were drawn up in a single line. "Only the Italian author Gualdo," he says, "speaks of two lines; other accounts mention no second line." On page 52 of the *Précis des Campagnes de Gustave Adolphe en Allemagne* (Bibliothèque Internationale) we find the following statement: "Most of the plans of the battle of Breitenfeld represent the Imperialists in a single line; according to Colonel Stammfort, this error—which Lossan (*Ideale der Kriegsführung*) calls an absurdity—results from the fact that these plans were made by the Swedes, who could but imperfectly observe the positions of their adversaries during the action."

As one takes up this book for the first time, and observes the numerous maps scattered through it, and the large map at the end, one thinks, or ventures to hope, that it is one of those rare gems of military bibliography, a history that can be read without the aid of an atlas. But experience soon brings one to a different state of mind. The maps in the text are mostly patches of the large map at the end of the book, and on a smaller scale than the latter. If they were on a larger scale, or showed the positions of troops or lines of march, they would serve a useful purpose. As it is, they are worse than useless, for they distract the attention of the reader from the better map. The large map does not, when unfolded, come outside of the book. A part of it cannot be seen without turning back the leaves. The reader would do well to cut it out before undertaking to use it. Its general excellence is marred by a few errors and omissions. Freiberg is shown as Freiburg. The points Castellaun, Giessen, Frankenthal, Marbach, Langendenzlingen, referred to in the text, are not shown on it. The map on page 104 shows Naumburg as Naumberg. On page 371 Wittenberg is referred to as Wittenburg; and on page 365, Freiberg as Freiburg. The maps of battles and sieges give the positions of troops in a satisfactory manner, but do not in all cases show the scale. That the maps of campaigns do not indicate positions of troops or lines of march is especially to be regretted, as the author, in referring to particular points, many of which the reader will never have heard of, does not give the state or province in which they are located.

The body of the work numbers 850 pages, forming sixty-five chapters. The apprehension expressed by the author that the volume errs in being bulky will be a conviction in the mind of the reader. This fault might have been palliated in a measure by the subdivision of the work into parts. One of the divisions should in this case have fallen upon the death of Gustavus, who dies about the middle of the book. The reader will wish that the numbers of troops were given in figures instead of in words. At the end will be found a list of notable marches of the seventeenth and eighteenth centuries, of battles in the same period, with percentages of losses, a list of dates, and an exhaustive index. This book contains a great deal of military information that cannot be found in any other single one, or perhaps in any number of books short of a fair-sized library. It is a valuable work of reference on the revival of the art of war after the Middle Ages, and as such is heartily commended to all who are interested in that subject.

JOHN BIGELOW, JR.

Louis XIV. and the Zenith of the French Monarchy. By ARTHUR HASSALL, M.A., Student of Christ Church, Oxford. (New York and London: G. P. Putnam's Sons. 1895 Pp. xvi, 444.)

MR. HASSALL is right in claiming for Louis XIV. a place among national heroes. Notwithstanding his mediocre intellect, and his overweening vanity, the narrowness of his religious beliefs and the errors of his policy, the monarch who played so great a part in his day has taken his place among the famous men of history. With all his weaknesses, there was in Louis XIV. much that can rightly be called great; of no man could it be more truly said that he was every inch a king; to the duties of his great office he devoted a conscientious and life-long attention; if he enjoyed the pomp of place he did not shirk the responsibilities; there was a dignity to his character of which his dignity of manner was the fitting expression; tenacious of his own position, he was mindful of the rights of inferiors; amidst a bustling world he bore himself with a certain empyrean calm; he met adversity with fortitude; he exerted a great and permanent influence on the age in which he lived and the people over whom he ruled.

Of the long reign which filled three-quarters of a century, Mr. Hassall has given an eminently fair and just review. There is little new to be said of the events of that period, but it is easy to fall into excessive laudation of the king, and still more easy to belittle his character. Louis XIV. has suffered alike from undeserved flattery and from indiscriminate abuse. If historians of his own day constantly proclaimed him the greatest of kings and of men, modern writers have gone as far wrong in announcing that the great monarch was in reality only an exceptionally ignorant and stupid man, governed in turn by an unscrupulous minister, a designing priest, and a bigoted old woman. Mr. Hassall has avoided these extremes and has given a just estimate of an extraordinary character.

On some questions, indeed, we cannot agree with his conclusions. He places a desire to secure the imperial title among the serious ambitions of Louis XIV. If Mr. Hassall had studied the diplomatic correspondence of the French archives, we think he would have seen that the project of obtaining for Louis XIV. the imperial crown was never seriously considered ; it assumed no more reality than the visions of empire in the East which haunted Napoleon when he was young ; it did not affect the policy of the reign. Dreams of universal empire were attributed to Louis XIV. by his enemies, but in truth a policy which would change the established order of Europe had little attraction for him. His mind was methodical and fond of routine ; he was haunted by no vague ambitions ; few of his contemporaries had less imagination in their composition. Louis followed in the settled paths of French ambition and was not allured by a policy which would have overthrown all established European traditions. He sought to make France the most influential power in Europe, and in this he succeeded ; he longed to be regarded as the most powerful of continental sovereigns, and his wish was gratified. But neither Louis nor his counsellors ever seriously entertained the hope of adding to the dignity of king of France the shadowy halo of the imperial crown.

The errors of Louis' religious policy are fairly stated by Mr. Hassall, and he follows long-established tradition when he says, speaking of those who were driven from France by religious persecution, "The trade of the country went with them, and the rest of Louis' reign is a period of economical decadence." The evils which the revocation of the Edict of Nantes brought on France were indeed great, but an emigration which extended over a quarter of a century and took in all only one per cent. of the population, was not a sufficient cause of decaying industry and declining prosperity. Like many historical traditions, this has been repeated by successive writers without making a rigid examination of the facts. The French Huguenots were industrious, and so also were the French Catholics, and of the Huguenots themselves only one-quarter abandoned their fatherland. The natural increase of population in a growing country would more than compensate for the loss by Huguenot emigration. It is true, as Mr. Hassall says, that the latter part of the reign of Louis XIV. was a period of economical decadence, but Huguenot emigration was a small factor in this result. During a quarter of a century the country enjoyed only four years of peace ; the cumbrous and unwise legislation, by which the government sought to regulate and stimulate manufacture and trade, resulted only in checking and crippling them ; the cost of the administration became larger and the burden of taxation grew heavier ; the errors of Louis' ministers, more than the bigotry of the king, were accountable for the stagnation in business at the close of his reign.

But if some of Mr. Hassall's positions may be questioned, little fault can be found with his presentation of the reign of Louis XIV. as a whole. He describes it during the king's youth, giving just praise to the wise

statesmanship of Mazarin and bestowing just condemnation on the selfish and turbulent movement which took the name of the Fronde. Of the statesmen who helped to make glorious the early years of Louis' personal rule, Mr. Hassall speaks, for the most part, with correctness and good judgment. Sometimes, indeed, he indulges in expressions which a more careful revision would have chastened. "In 1678," he says, "Sir William Temple was much impressed by the wealth and prosperity of France, and this was due entirely to Colbert." To no man has the wealth and prosperity of a country ever been entirely due, and certainly this was not true of Colbert. France is a rich country, because the French people to an extraordinary degree possess the qualities of industry and thrift; she owes her wealth more to her peasants than to her law-makers. That Colbert did much for France is certain, though much less than he desired, and less also than he has sometimes been credited with. When the systems of state interference which he so earnestly fostered, and in which he so sincerely believed, came to be administered by less zealous and less able successors, they crippled the country in its industrial development. In the following century England passed France in the contest for commercial and maritime supremacy, and in part at least this result came because in France industry was held in chains, and in England the individual enjoyed a far larger degree of freedom.

Mr. Hassall follows with care and fairness the mistakes of policy which made the close of Louis XIV.'s reign as disastrous as its beginning had been glorious. He shows how Louis alienated the support of his German allies; how the influence of France in Germany, which Richelieu and Mazarin had established with such pains and skill, was destroyed by the pride of the monarch and the violence and brutality of his war minister; he describes the period of misery and humiliation caused by the War of the Spanish Succession, and tells in fit language of the marvellous fortitude with which the aged king bore adversity.

For those who wish to study the reign of Louis XIV. in its details, a review, brief in comparison with the greatness of the subject, will not tell all they wish to know, but their number is small; the majority have neither time nor inclination for the details of history. They seek a brief but a clear presentation of the great epochs of the past, and of these certainly Louis XIV.'s reign is one. It was an important chapter in the history of a great people; it established France as the foremost European power; it furnished an extraordinary picture of an absolute monarchy, in a highly civilized nation, administered by a king zealous in the political faith of which he was the most brilliant exponent. If one cares for any lessons which the past can teach, the era of Louis XIV. is worthy of study. It was important in literary, in political, and in social development; it had a great influence upon the condition of Europe in the seventeenth century, and its effects were still felt when the French Revolution of the eighteenth century brought the French monarchy to an end.

Mr. Hassall's style has the merits of simplicity and clearness. When

the record of events is condensed into small space, there is little opportunity for picturesque description, for glowing portrayal of character or of famous scenes, and these he has not attempted. His review of Louis XIV.'s reign is eminently correct and just in its general outlines, it is free from prejudice, and will make a useful addition to the series to which it belongs.

JAMES BRECK PERKINS.

The Huguenots and the Revocation of the Edict of Nantes. By HENRY M. BAIRD. (New York: Charles Scribner's Sons. 1895. Two vols., pp. 566, 580.)

IN *The Huguenots and the Revocation of the Edict of Nantes* Professor Baird closes the series, in which he has narrated the history of the Huguenot party in France. It represents the labor of thirty years, and the author can count as the fruit of the large part of his active life which he has devoted to this subject, the honorable position that his books have gained for him among American historians.

His last work possesses the merits of its predecessors and is subject to the same criticisms. Professor Baird is of Huguenot descent; he is Huguenot in his religious beliefs; he has devoted much of his life to the study of the Huguenot cause. It is natural that he should be a Protestant from strong conviction. There are few acts of the Huguenot party in which he finds aught to blame, and little in the conduct of their opponents in which he finds anything to praise.

It is not always easy to decide how much a decided bias in the writer affects the value of historical writings. In most great historical questions there is a right and a wrong, and the man who is not able to discover where lies the right is not a useful teacher for posterity. A vehement conviction of the justice of a cause may make an historical recital glow with life; strict impartiality, a perfectly calm and well-balanced judgment, sometimes produce only a chilly and passionless record of the past, from which the reader gains little except weariness. *The Rise of the Dutch Republic* was the work of an intense partisan. The history of the same period, written by some cool and indifferent critic, who saw defects in the character of William of Orange and merits in that of Philip II., would not have possessed the fascination of Motley's dramatic narration.

During the early part of the seventeenth century the Huguenot party was involved in frequent contests with the general government; they ceased only when its power was broken by Richelieu and it was no longer an important element in French politics. In this protracted controversy Professor Baird's sympathies are with those of his own faith; he finds justification for their conduct, and regrets the success of Richelieu's policy. It is only just to say that he presents the facts with fairness. If, indeed, there is an issue between a Protestant and a Catholic authority,

it would be hard for Professor Baird to accept the latter, but there is no great dispute about the facts. The details of brutal and illegal acts by members of the dominant party are often exaggerated by the writers of the persecuted faith; the unruliness of the Huguenots is often exaggerated by their opponents. But no one disputes that the members of the reformed faith wished to make of their religious body a political organization; that they were strenuous in obtaining means of protection against interference by the government; that they assumed the right to raise soldiers and levy war against the king when, in their judgment, their rights were infringed upon. In short, their position was much like that of some of the great and turbulent nobles when Richelieu became the ruler of France.

There is as little doubt about the views of the cardinal, for they are repeatedly stated in his own writings. He was resolved that the Huguenots should be reduced to the same condition as other subjects of the king, that they should no longer constitute a separate body within the state, that they should render to the sovereign the same prompt obedience that was yielded by all other French citizens. Such a purpose was certainly justifiable; there was no distinction between feudal disturbance and religious disturbance; a fortified camp in La Rochelle or Montauban, which refused obedience to the orders of the general government, was as much an obstacle to any effective administration as a fortified castle held by the Prince of Condé or the Duke of Bouillon. If France was to become a powerful and an orderly monarchy, it was as necessary that the Huguenots should cease to be turbulent, as that the nobles should cease to be unruly.

Not only did the Huguenot party interpose a vigorous resistance to the fulfilment of Richelieu's plans, but they were often the aggressors. It was, indeed, on the claim that their privileges had been invaded, but such disturbances checked Richelieu in his foreign policy, and he resolved to put an end to them. When the Huguenot leaders had aided an insurrection instigated by a selfish and unruly nobleman like Condé, when they had sought the assistance of the King of Spain with which to oppose the King of France, it is hard to see how they could justly complain if their power to do such things was destroyed. The development, the good order, the power and glory of the kingdom as a whole, were the ends for which Richelieu strove, and he would not allow any religious sect to stand in his way.

Nor did the overthrow of the political power of the reformed party at all interfere with the religious freedom which the Edict of Nantes secured for them. After La Rochelle was captured, the cardinal made his solemn declaration that all loyal subjects of the king should receive equal treatment, that members of either creed should find the same favor with him. Professor Baird admits that Richelieu was true to his word. He himself says that from the fall of La Rochelle until Louis XIV. in person assumed the reins of government, there was a period of tranquillity and contentment for the Huguenot party. These were indeed the halcyon days for

those of the reformed faith in France. They had ceased to be turbulent, they received the just protection of wise and patriotic ministers like Richelieu and Mazarin. The overthrow of their unruly power brought thirty years of peace and prosperity to the Protestants, while the misfortunes that were in store for them could not have been averted by political assemblies or cities of defence.

There is little room for any disagreement with Professor Baird's views as to the treatment of the Protestants by Louis XIV. The Huguenot persecution, the revocation of the Edict of Nantes, the unwise and impotent attempt to turn Huguenots into good Catholics, form one of the most lamentable chapters in the history of that king. For nothing did he receive more adulation in his lifetime than for the pretended conversion of a million and a half of Protestants; for no act has he been more condemned by posterity than for a persecution which would have been odious in the thirteenth century, and was much more odious in the seventeenth century.

There is nothing to be said in favor of Louis XIV.; his conduct was neither just, nor generous, nor wise, nor effective, and if Professor Baird finds no good in the monarch, so far as his treatment of the Protestants goes, he cannot be charged with overstating the case. The record of this long and futile effort at conversion is one of the most curious chapters in the history of bigotry. It was a phase of persecution which can find no defenders, even among the most zealous of persecutors; it had not the poor justification that it accomplished its end. Never did a long course of ill treatment, visited upon the members of any sect, produce so scanty results. In Spain the fury of persecution was greater, and it accomplished its purpose; however great the cost to national character and national wealth, the state was purged of heresy. The dragonnades and the galleys under Louis XIV. were enough to injure the prosperity of the country, to outrage the rights of good citizens, and to incur the condemnation of posterity; they were not conducted with sufficient judgment or continued with sufficient pertinacity, to drive the wanderers into the fold of the Church.

A hundred years were occupied in these futile efforts at conversion. In the eighteenth century attempts at persecution were sporadic, and on the whole the condition of the Protestants in France improved. New ideas had moderated the intense Catholicism of the last century, and bigotry was becoming out of date. The Huguenots again met to join in the services of their faith, at first with danger, at last almost unnoticed by the government.

In 1787 the work of repression at last ceased, and the efforts of Louis XIV. to make all Frenchmen of one religion were abandoned. The edict of Louis XVI., if it granted only scanty privileges to those of the Protestant faith, was a formal announcement that the era of persecution had ended.

Professor Baird treats the history of the Huguenots with much ful

ness. He covers, indeed, a long period ; from the death of Henry IV. until religious privileges were again granted to those of the Protestant faith, almost two centuries passed. Yet the Huguenot movement constituted only one chapter in the history of the French people, and in two large volumes, of almost 600 pages each, the successive phases of religious conflict and religious persecution are delineated in considerable detail.

What is the just measure of space to give to any period is an embarrassing question for an historical writer. The most readable histories owe their interest to their fulness of detail; the bare outlines of the past are often repellent; it is to the sketches of individual character, the pictures of bygone society, the anecdote and incident, that the historical page usually owes its life and charm. Wealth of detail has indeed its perils; if it is delightful when the narrator is a Macaulay or a Parkman, it is far otherwise when the tale is tamely told, and the wearied reader toils through a tedious recital of uninteresting facts.

Professor Baird writes well and clearly, though sometimes the general situation is slightly obscured; the varied incidents of persecution do not always assist in giving a clear idea of the varying conditions of the Huguenot movement.

To the large body of earnest believers, for whom the sufferings and the heroism of their ancestors possess far greater interest than the wars of Louis XIV. or the writings of the philosophical school, this work, with the sketches of many a renowned leader of the cause, the accounts of many a famous temple of the faith, the narrations of danger and distress patiently endured in the name of the Lord, will seem none too full.

In this all will agree: that Professor Baird has now completed a history of the Huguenot party in France which, in scholarship, in conscientious investigation, in comprehensive treatment of every phase of a movement spread over almost three centuries, is not equalled by any work on this subject, either in French or in English.

JAMES BRECK PERKINS.

✓ *The Private Life of Warren Hastings, First Governor-General of India.* By Sir CHARLES LAWSON. (London and New York: Macmillan and Co. 1895. Pp. viii, 254.)

MUCH has been written of recent years upon the life and achievements of Warren Hastings, the great statesman who laid the foundations of the British Empire in India. But in spite of the labors of his apologists, Hastings is still mainly known to the world from the glowing pages of the famous essay which Macaulay wrote upon the appearance of the first biography of the Governor-General, written by Mr. G. R. Gleig. So great is the fascination of Macaulay's style, that subsequent writers upon Hastings have been apt to start with the assumption that they must devote themselves to a refutation of Macaulay's statements, instead of working upon and supplementing the materials supplied and quoted by Gleig. That the brilliant

essayist made several serious mistakes in his essay on Hastings is universally admitted by all writers upon the history of the English in India, but the works which correct these mistakes do not reach the hands of one in a hundred of the readers of the essay. It may be regarded either as a tribute to the genius of Macaulay or as an instance of the unkindness of fate that Impey is branded, seemingly forever, as a corrupt judge, and that Hastings is still regarded as the plunderer of the Begums of Oudh, as the murderer of Nuncomar, and as the ruthless destroyer of the Rohilla nation, in spite of the most positive proof to the contrary. Influenced by the indignant rhetoric of Burke and the ornate eloquence of Sheridan, and relying for his facts upon the somewhat prosaic pages of Mr. Gleig, Macaulay passed certain unjust judgments, which modern historians, in spite of all their labor, have been unable to reverse.

It is perhaps worth while to recapitulate briefly the work which has been done of recent years towards the clearing of the fame of Hastings from the aspersions of Lord Macaulay. First in point of date came the *Life of Sir Elijah Impey*, published by his son, Mr. E. B. Impey, a few years after the appearance of Macaulay's essay. In this far too bulky volume, filial piety entirely cleared the character of Hastings' old school-fellow, the first Chief Justice of Bengal, and incidentally acquitted Hastings of using his high office to interfere with the ends of justice, but the style of the book was so intolerable that it never attained a wide circulation. Within the last few years two men of far greater ability than Mr. E. B. Impey, both of them statesmen of Indian experience and writers of acknowledged merit, have undertaken to remove the two most serious imputations that rested on the fame of Hastings. Sir James Stephen, the eminent judge, and still more eminent jurist, who for some years held the office of Legislative Member of the Viceroy's Council, applied his trained judicial mind and singular power of analysis to one episode in the career of the Governor-General which Macaulay placed in the most odious light, and in his *Story of Nuncomar and the Impeachment of Sir Elijah Impey* successfully vindicated the action of Hastings in that particular matter. More recently Sir John Strachey, formerly Lieutenant-Governor of the North-Western Provinces and a well-known Indian administrator, used the local knowledge he had acquired upon the scene of action, supplemented by the careful study of original documents, to show in his *Hastings and the Rohilla War* that Macaulay grossly exaggerated the effect of the evidence in his possession, and that the policy of the Governor-General was not only justifiable but humane. The three volumes of *Selections from the Bengal Records*, edited by Mr. Forrest, throw an immense amount of further light upon the transactions between Hastings and his Council, and reveal in striking fashion the industry of the Governor-General and his perfect comprehension of Indian affairs. Among secondary books upon Hastings may be noted the masterly little life by Sir Alfred Lyall in the "English Men of Action" series, the biography by Captain Trotter, making use of the Forrest selections, in the Oxford "Rulers of India" series,

and the more comprehensive and thorough history of his public administration, published last year by Colonel Malleeson. Mention should also be made of the charming sketches of Anglo-Indian society in the time of Hastings, published by Dr. Busteed under the title of *Echoes of Old Calcutta*.

To this Hastings literature, Sir Charles Lawson's book is a welcome addition. He takes up a theme entirely neglected by the historical and biographical writers hitherto, and devotes himself to a study of the private life of his hero, with particular attention to his latter years after his return from India and final settlement at Daylesford in Worcestershire, the home of his forefathers. Hastings, the statesman, has been so much written about that there is danger of forgetting Hastings, the man. Sir Charles Lawson, who was for many years well known in India as the proprietor and editor of *The Madras Mail*, has long been interested in the details of Hastings' private life, and some years ago published a beautifully illustrated brochure dealing with this subject. His book is essentially an enlargement of the brochure and is also full of illustrations, including portraits of Hastings, Mrs. Hastings, and others, views of places mentioned and reproductions of caricatures issued by Gillray and others at the time of Hastings' trial. It only pretends to be anecdotic and descriptive, and it would perhaps be too hard to apply the strictest canons of historical criticism to a volume that is professedly the production of the hardly-won leisure of a busy Anglo-Indian journalist. In a more pretentious work it would be impossible not to censure severely the absurd statement that the great-grandson of a knight who flourished in the reign of Edward I. died in 1627. He is said indeed to have been eighty-two years old at the time of his death, but his father and grandfather must each have lived for considerably over a century before their successors came into the world, if Sir Charles Lawson is to be taken seriously. The author's assumption that Sir Philip Francis was the author of the letters of Junius, in the chapter devoted to the arch-enemy of Hastings, is likely to irritate students of the Junius controversy, who are now well aware that the Franciscan authorship is far from being proved, and attribute the assertions that he was Junius to the vanity of an aged and conceited man. It would be possible to point out other flaws in Sir Charles Lawson's *The Private Life of Warren Hastings*, but it would be ungracious to do so; the book does not pretend to be a contribution to history; it is rather a contribution to anecdotic biography, and possesses historical value only in so far that it throws light upon the education, the married life, the domestic habits, the friends and enemies, and the latter days of the most distinguished of the many famous proconsuls who built up the great edifice of the British Empire in India.

H. MORSE STEPHENS.

✓ *Catherine II. et la Révolution Française, d'après de nouveaux documents.* Par CH. DE LARIVIÈRE. Avec préface de ALFRED RAMBAUD, professeur à la Faculté des Lettres de Paris, Membre correspondant de l'Académie des Sciences de Saint-Pétersbourg. (Paris: H. Le Soudier. 1895. Pp. xxxiii, 396.)

M. LARIVIÈRE's book is one of four volumes in which he is to describe Catherine's private life, her family, favorites, friends, and opinions. This account of her attitude towards the French Revolution belongs, chronologically, to the conclusion of the series, but the author has published it first, doubtless, because the subject has great importance in the studies on the Revolution now so eagerly pursued, and also on account of the special interest the French feel in the story of their relations with Russia. As M. Alfred Rambaud remarks in the preface he has fittingly been asked to write: "Les amis de l'alliance franco-russe voient nettement, aujourd'hui, le point d'arrivée; dans ce livre ils trouveront le point de départ." M. Larivière has conscientiously mastered the literature of his subject, an excellent bibliography of which he prints at the end of his book. Since he desired to sketch the figure of Catherine chiefly according to her correspondence, he has depended largely for his material upon the great *Recueil de la Société Impériale d'Histoire de Russie*, which already includes ninety-three volumes quarto. A work of this character could not be expected to change the interpretation of the Russian policy during the Revolution expounded by Von Sybel, Brückner, and Sorel; but it does throw light upon certain phases of the problem and adds in fuller detail Catherine's characterizations of the Revolutionary movement and its European counterplay.

According to M. Larivière, Catherine's liberal inclinations had developed into a conservatism rapidly becoming reactionary before the Revolution began. The transition dated from the execution of Pougatchef in 1775, and continued until 1788. Her experience of power, "son métier de souveraine," led her gradually to abandon the philosophers whom she had cajoled as long as her "glory" had need of them. This does not mean that her vaunted liberality of mind was mere pose: it was sincere to a degree, but not to the degree implied in her earlier eulogies of the philosophers. Though she had a real love of humanity and was liberal by instinct and by education, her liberalism was always, says M. Larivière, obedient to one guide — self-interest. Moreover in principle it was the liberalism of the eighteenth-century enlightened despot. It had little in common with the spirit which wrought such fundamental changes in France after 1789. If oppression took traditional forms, in her eyes it was not oppression but law. Arbitrariness was what she detested. Her notion of liberty makes this clear. While she was still a grand-duchess she wrote: "Liberté, âme de toutes choses, sans vous tout est mort. Je veux qu'on obéisse aux lois, mais point d'esclavage. Je veux un but général de rendre heureux, et point de caprice, ni de bizarrerie, ni de

tyrannie qui y déroge." According to this, liberty is the freedom of the individual from unreasonable and vexatious interference; but the individual must content himself with the limits historically set for his walk and conversation, and never try to reset those limits to fit any new, metaphysical theory of society. A Russian serf might be said to enjoy a measure of liberty so defined. When the triumphant Jacobins of 1793 talked about "saving liberty," they did not mean such liberty at all; they meant an ideal social structure, erected on the foundation of equality and popular sovereignty, and in almost every respect contrary to that ancient régime under which alone Catherine felt that her sort of liberty could flourish. Perhaps they had as much respect for individual liberty as Catherine, for she did not hesitate to sacrifice it if it clashed with imperial authority, any more than they when it often took sides with the counter-revolution. Even her most strikingly liberal act, the organization of the great Legislative Commission in 1767, to revise and codify the laws, had little substantial value. The Commission was, as M. Larivière remarks, "trop inspirée de l'avis officiel," and "servile vis-à-vis du pouvoir, n'ayant de l'indépendance que l'apparence." Catherine would have tolerated nothing else, however acute her "legislomanie" became.

When the Notables and the States-General met, Catherine compared them to her Legislative Commission and showed herself thus to be "à cent lieues de se douter que les États-Généraux représentent la vraie France, et voudront être obéis." In case their spirits became heated they might, she suggested, be regaled with a bit of vigorous foreign policy, say an interference in Holland against the Stadtholder's party. But the capture of the Bastille instantly dissipated these Machiavellian illusions. Henceforward Catherine had only hard words for the National Assembly and for everybody else in France except the *émigrés* whom a false sense of honor and an untimely solicitude for their own safety had led across the frontier. The Assembly was "l'hydre aux 1200 têtes," composed of "avocats," "procureurs," "savetiers," "cordonniers," and the Revolution was "L'Égrillarde." Even the poor King got his share of abuse, for she told her private secretary, Khrapovitski, that Louis was responsible. "Il est ivre chaque soir," she said, "et le mène qui veut: d'abord Breteuil, du parti de la reine; puis le prince de Condé et le comte d'Artois; enfin Lafayette." Nor did her respect for him increase when France, in 1792, came to have virtually three ministers at the Court of Saint Petersburg: M. Genet officially representing the French government, Comte d'Esterhazy managing the interests of the Comte d'Artois, while the Marquis de Bombelles represented Louis XVI. and Marie Antoinette personally. Catherine had no patience with "gens qui agissent sans discontinuer avec deux avis parfaitement contradictoires, l'un en public, l'autre en secret."

However vehement Catherine's hatred and condemnation of the Revolution became, she was too clear-sighted to be led into any attempt at armed intervention contrary to Russia's real interests, which centred in

Poland and at Constantinople rather than on the Rhine. Although at one time she appeared to support the project of Gustavus III. for a descent on the coast of Normandy, M. Larivière proves that "elle le fit sans enthousiasme et avec l'arrière-pensée de l'éviter," and she felt relieved when the Swedish king's death terminated her agreement with him. Her desire for the restoration of the Bourbon kings to absolute authority was largely due to her hope that France might unite with her in the settlement of the Eastern question. This hope the Revolution had defeated. The day after the Bastille was taken, her ambassador, Simoline, had written: "Ce serait une illusion de compter maintenant sur l'alliance de la France, et, encore plus, sur son importance politique." But France might still be made to serve her purposes if by its Revolution her own rivals, Austria and Prussia, could be kept busy in the west while she absorbed or destroyed the kingdom of Poland. In 1792 she confessed to Khrapovitski: "Je me casse la tête pour entraîner les cours de Vienne et de Berlin à s'immiscer dans les affaires de France . . . je veux les engager dans les affaires avoir les coudées franches. J'ai en vue beaucoup d'entreprises inachevées et il faut qu'ils soient occupés pour ne pas m'entraver dans l'exécution." This passage leaves nothing to be desired in explicitness. Moreover it is significant of the real game the European powers began to play from the moment the Revolution weakened France and menaced them. The intention attributed to them of fighting to restore the Bourbons was simply a convenient popular illusion. Conquests and provinces were their real aim, as M. Sorel has so brilliantly shown. The France of 1792-1794 is to be studied in the full consciousness of such dangers to its unity, and not judged merely in accordance with abstract ethical considerations which had no standing in the European politics of the period. M. Larivière gives Catherine full credit for her steadfastness in the pursuit of her purpose during those tumultuous years. Without sufficient justification, nevertheless, he appears to consider her assertion that she meant to fight Jacobinism at Warsaw an attempt to throw dust in the eyes of the world. May 9, 1792, a few days after she had ordered her troops to invade Poland, she wrote to Grimm: "Apparemment vous ignorez que la Jacobinière de Varsovie est en correspondance régulière avec celle de Paris." Catherine was sincere enough in writing this. The Polish patriots, the authors of the constitution of May 3, 1791, had repeatedly called to mind the example set by the French National Assembly,¹ and in that Assembly, soon after the news of the Polish revolution reached Paris, Menou referred to the Diet in these words: "Ce sénat . . . vient par un élan sublime d'amour pour la liberté et de respect pour les droits des peuples, d'adopter les principales bases de notre constitution."² Catherine was not far out of the way in thinking that the two movements embodied the same premise, so pernicious in her eyes, namely, "Dans la société tout pouvoir émane essentiellement de la volonté de la nation."³

¹ Sorel, *L'Europe et la Révolution Française*, II. 214.

² *Moniteur*, VIII. 843. ³ Quoted by Sorel, II. 213.

M. Larivière practically acknowledges that this principle was what she seemed to detest in the French Revolution, for he remarks that she never drew any line of distinction between the Constituent and the Legislative Assembly or the Convention. Still he finds some contradiction in Catherine's conduct because she supported the champions of despotic authority for France, while at the same time she sought to destroy the strong monarchical government provided in Poland by the new constitution. This is a confusion of mind due to the similarity of words covering totally dissimilar processes. It is safe to say that the *émigrés* would never have subscribed to a constitution like that of Poland, neither would the Polish patriots have struggled for a monarchy after the ideals cherished at Coblenz.

In one instance Catherine showed herself astonishingly liberal even when the reactionary spirit had seemingly taken complete possession of her mind. This was the retention of La Harpe at court as the tutor of her grandsons, one of whom was to become the Emperor Alexander, although La Harpe did not hesitate to identify the cause of political and social Revolution with that of philosophy. M. Larivière might have added point to his description of this affair had he quoted the young Alexander's remark to Prince Adam Czartoryski about the French Revolution, instead of alluding only to the controversy in which Alexander argued against the principle of hereditary monarchies. Alexander said that "he had taken the strongest interest in the French Revolution, and that while condemning its terrible excesses, he wished the French Republic success and rejoiced at its establishment."¹

The later chapters of M. Larivière's book give much curious information about Catherine's opinions of men like Necker and Mirabeau, and her dealings with Sénac de Meilhan, who proposed to write a history of her reign. In the sections on Necker he carries minute scholarship to a profitless extent in writing six pages on what Catherine thought of Madame Necker, with the conclusion that she evidently regarded Madame Necker as a meritorious woman: "Tout, du moins, porte à le croire; car elle s'abstint de le dire." As an appendix to his work M. Larivière publishes the remarkable memoir of Catherine on the Revolution, written in 1792, which serves to confirm the conclusions he has reached. There are a few errors in the proof-reading of dates which will doubtless be corrected in a subsequent edition.

HENRY E. BOURNE.

Napoleone: Una Pagina storico-psicologica del Genio. Per AUGUSTO TEBALDI, professore nella R. Università di Padova. (Padova: Angelo Draghi. 1895. Pp. iii, 168.)

WE have in this book a study of Napoleon from the point of view of a professor of mental diseases. His apology for offering a new contribution

¹ *Memoirs of Prince Adam Czartoryski*, edited by Adam Gielgud (London, 1888), I. iii.

to the literature of this subject is that his point of view and his line of inquiry are novel ones. Holding aloof from the expression of any judgment upon Napoleon as a captain, politician, or legislator, he proposes to himself the examination of the following thesis: "If the psychical manifestations of the individual are the resultant of the organic conditions of his being and of the environment in which his activities unfold themselves, many facts of the mind and heart of Napoleon find their explanation in his organism." The novelty of his effort consists not in his undertaking to make a psychological study of his subject, not in the examination of physical qualities and predispositions, but in his relegation of the historical element so far to the rear. This last he makes use of only in so far as it helps to throw light upon Napoleon's physical and psychical states at various stages of his career. This complete abdication, however, of the office of critic leads to results which can fairly be called partial. Such must be the case when one has to do with a many-sided individual. One noteworthy mistake of this kind is the author's apparently serious treatment of Napoleon's threat to resign his command in 1796 on the alleged ground of ill-health. Another is the emphasis put upon his gradual physical breakdown and the consequent loss of mental strength, to account for his final overthrow. However great the difference between the Bonaparte of 1796 and the Napoleon of 1815, — and perhaps the difference was not so great as has often been supposed, — the difference between his opponents of 1796 and those of 1815 was infinitely greater. The Napoleon of 1815 was sufficiently like the Bonaparte of 1796 to have won his Italian campaigns over again against such leaders as he then faced. Twenty years had wrought greater changes in the conditions, institutions, and peoples of Europe than in Napoleon.

Professor Tebaldi, however, does not pretend to give a complete psycho-physical formula to explain the puzzle of the Corsican's career, but to have made clear some facts with reference to his physical constitution which contribute not a little to an understanding of his psychical manifestations. The method of treatment is that of the physician's diagnosis, and naturally, therefore, the author begins with the family history, more particularly with the weaknesses of body and the qualities of mind and character of his subject's parents. From that he passes to a minute examination of the subject himself, the measurements of his body and the characteristics of his physique. The acute nervous sensibility which manifested itself in numberless ways is particularly remarked. It is the source of his great powers; his energy, his command of himself, his faculty of suppressing every impression or idea except those which at any moment are in the field of consciousness, the extraordinarily rapid working of his mind, his marvellous impressional receptivity. On the other hand, this nervous sensibility was a contributing cause of constantly increasing potency in the aggravation of his organic disorders, of the attacks of dizziness and faintness which some have called epilepsy. The author marshals the conflicting testimonies upon this point. In the end he reaches

no positive conclusion with regard to it, but contents himself by saying that if Napoleon was not an epileptic in the ordinary sense of that word, he certainly belonged to a family of "neuropathetics."

Closely allied with this nervous sensibility and this epileptic temperament, and largely accounted for by them, was the weak moral sense. Napoleon's psychical nature was so absorbed, so dominated by his intelligence, that little room was left for anything else. The author quotes with approval Lombroso's comparison of Napoleon with Cæsar, Mohammed, and other conquerors, as epileptic geniuses. When the epileptic tendency displays itself in the psychical field mental exuberances are more than likely to appear. "With a constitution of that kind not a few men of talent represent the unbalanced, the abnormal, the delinquent among geniuses."

JOHN H. CONEY.

✓ *Lord John Russell.* By STUART J. REID. [The Prime Ministers of Queen Victoria.] (New York: Harper and Brothers. 1895. Pp. xvi, 381.)

SEVERAL years ago Spencer Walpole published a two-volume octavo biography of Earl Russell, or Lord John Russell, as he is known to history by his own preference. It received much praise and has since been regarded as the authority. Mr. Reid had no desire to supersede this with his monograph; evidently his aim was to reduce to the form of a brief and popular narrative the most accessible material and some important recollections respecting Russell. Lord John's political career does not readily lend itself to short and picturesque biography. Sydney Smith might well have said of his friend "Lord John Reformer," as he did of Melbourne, "I accuse our Minister of honesty and diligence." Russell also fulfilled Goethe's condition of greatness: he was devoted to one idea. But this was not all; with almost equal honesty and diligence he was also devoted to many other ideas, throughout a period of over half a century. When we thought of his part in the long contest over the change from rotten boroughs to a rational system of parliamentary representation, in the abolition of the Test and Corporation Acts, in bringing about Catholic Emancipation, in repealing the miserable Corn Laws and introducing the grand policy of Free Trade, in helping Ireland to more freedom and keeping her from starvation, in guiding the foreign policy during the war in the Crimea, in helping Italy to become a nation, and in trying to hold England to a just course of neutrality during our own Civil War, — when we thought of merely these questions, we did not expect to find that Mr. Reid had given more than a synopsis of historical events and biographical incidents. Instead of doing only this, he has written a vivacious and charming biography which assigns Lord John his proper place in history. The success is extraordinary. It is not often that small biographies of great statesmen add much to the knowledge of the reader or to the reputation of the hero. Mr. Reid has furnished an exception.

Russell wrote of himself shortly before his death: "I have committed

many errors, some of them very gross blunders. But the generous people of England are always forbearing and forgiving to those statesmen who have the good of their country at heart." Mr. Reid is in no sense a hero-worshipper, but he has taken more pains to describe Lord John's successes and great traits than to note his failings and less praiseworthy characteristics, although he has a keen eye for Palmerston's Jingoism and for his impetuous disregard for the instructions of his superiors. While it would be ungracious to emphasize the point, it is to be regretted that more has not been told about Russell's life as a partisan Whig, and how he personally accepted victory and defeat. A philosophical American statesman once said, "The faults of great men fall out in history." This is much truer than it ought to be. Every political biography that pretends to be a study of character should disprove this remark quite as much as it should that familiar sentence of Mark Antony about "the evil that men do." Biographers will never receive the respect and confidence which is given to impartial historians until they make it their business to tell the whole truth and think less of eulogy.

Americans will naturally turn first to the chapter covering the period of our Civil War, when Earl Russell, as he had lately become, held the seals of the Foreign Office. This is the least satisfactory part of the book. The printing of a valuable six-page memorandum, about how the law officers failed to act in time to prevent the sailing of the *Alabama*, by the late Lord Selborne, who was then Solicitor-General, saves it from being next to worthless. Not a word is said about England's hurried recognition of the Confederacy as a belligerent in the spring of 1861, before the new American Minister could reach London. Nor does he tell how Lord John was driven back by Seward from his first step toward mediation, nor how, finally, the development of our antislavery policy created such strong English sympathy that he ceased to encourage Mason's hopes or even to listen to Napoleon's schemes. Evidently Mr. Reid has not given much attention to the relations between Great Britain and the United States at this time. Here are some surprising statements: "Hostilities had broken out between the North and the South in the previous July, and the opinion of England was sharply divided on the merits of the struggle. The bone of contention, to put the matter concisely, was the refusal of South Carolina and ten other States to submit to the authority of the Central Government of the Union. It was an old quarrel which had existed from the foundation of the American Commonwealth, for the individual States of the Union had always been jealous of any infringement of the right of self-government; but slavery was now the ostensible root of bitterness, and matters were complicated by radical divergences on the subject of tariffs" (p. 310). Nevertheless Mr. Reid has written a biography which shows that he is a scholar and a literary man of uncommon qualities. The historian Lecky has furnished several very interesting pages of his own recollections of Lord John as he knew him in private life after 1866.

FREDERIC BANCROFT.

The Life of Sir James Fitzjames Stephen, Bart., K.C.S.I., a Judge of the High Court of Justice. By his Brother, LESLIE STEPHEN. With two Portraits. (London and New York: G. P. Putman's Sons. 1895. Pp. 504.)

ALL those who knew Fitzjames Stephen and his books will find a melancholy pleasure in this capital biography. It gives his ancestry, interesting in itself, and valuable in showing the hereditary traits that characterized the man and his methods of thought and work. It shows him in his Cambridge days, when his associates and contemporaries predicted a future of even more distinction than that he achieved by a lifetime of conscientious work and study. At college, just as later at the Bar and on the Bench, he fell short of attaining the highest honors, but this was largely due to the fact that he worked for work's sake, rather than for reward. What he was in his youth, he remained to the end, earnest, zealous, aiming at the best, tireless in the pursuit of good to others. He came of a sturdy Scotch stock, full of zeal and energy, never directed to selfish ends, and often failing in achievement. His grandfather, "Master" Stephen, made a mark first as a political partisan, but later as one of Wilberforce's most trusted supporters in the contest against slavery. His father, the "King" James of contemporary memoirs, was long an official in the Colonial Department, and gradually rose to such a position of power and authority that he was recognized as the controlling influence under a succession of political chiefs. His Ecclesiastical Essays and his Lectures on French History make up his literary baggage, valuable, yet small in proportion to his wide and deep studies and the appreciation in which he was held by able men. His wife, Fitzjames' mother, was a daughter of the Rev. John Venn of Clapham, a leader of what has often been called in derision the "Clapham sect," the strict evangelicals, of whom the Stephens, the Wilberforces, and the Macaulays were perhaps the most noted members. From his mother and from the Venns, a long line of clergymen of the same theological views from the days of Queen Elizabeth to those of Queen Victoria, Sir J. F. Stephen inherited a large share of the qualities that distinguished him. It was characteristic of the stock from which he descended that his theological opinions were independent of any mere authority, the results of his own sturdy logical processes, and reasoned out for himself. As a young man he associated with his father's friends, among them such men as Sir Henry Taylor, James Spedding, Aubrey de Vere, John Austin, John Mill, and this association did more for him than Cambridge or the Inns of Court. Eton, King's College, London, and Trinity College, Cambridge, were the successive stages of his education, but he was too independent to follow beaten paths, and therefore never achieved great honors. As one of the "apostles," the accepted nickname for a Cambridge debating society, he became an associate of Sir Henry Sumner Maine, Lord Derby, Sir William Vernon Harcourt, Julian Fane, and Canon Holland. Although his father and his uncles, the Venns,

hoped that he would become a clergyman, his own sound sense discerned his greater fitness for the Bar, and after the usual studies, he was called in 1854. He had several years earlier begun to write for the newspapers and periodicals, and for years he was a frequent and valued contributor to the *Saturday Review*. The three volumes of his *Horæ Sabbaticæ* show him at his best in the work in which he delighted, although he himself said later on in life that he had indulged too freely in the luxury of writing for the press. He wrote abundantly and vigorously, and was an ardent advocate of law reform, at first on the lines laid down by Bentham, but later in the direction of his own method of codification of the law, to which he gave the impetus in India, and for the promotion of which he vainly sought a seat in Parliament. It was as secretary of the royal commission of 1858 on popular education that he made his impression on the noteworthy men under and with whom he worked, and his reward was his appointment as Recorder of Newark, the first round on the judicial ladder up which he slowly climbed to the top. He was never successful at the Bar, so far as winning a great and lucrative practice, but he impressed judges and lawyers by his learning and ability, and won the esteem and confidence of solicitors and clients by his honesty and straightforwardness. His contributions to legal literature, other than occasional essays in reviews and magazines, began in 1863 with his *General View of the Criminal Law of England*, and this was followed by his *Digest of the Law of Evidence*, and that of *the Criminal Law*, and a *History of the Criminal Law of England*. But useful and successful as these have been as law books, he never became a great legal author. He followed at the outset Bentham and Austin, and was slow at first to recognize the great value of the historical methods first applied by Maine to the science of law; yet the labor expended on his articles in the *Pall Mall* and other periodicals would have made him a sound historical lawyer, and thus completed the equipment he needed for the work so well done by Maine and his school. In 1869 he succeeded Maine in the position once filled by Macaulay, as legal member of the Council in India, and, remaining there until 1872, he carried forward the work inaugurated by Maine, giving to India a series of codes in the shape of well-prepared statutes, far beyond the Penal Code prepared by Macaulay in 1834. Stephen's work in India has been the subject of much adverse criticism, and much of it has been recast by his able successors from time to time. It was rather by his success in bringing home to the minds of the vast population of India that it was governed by laws securing absolute justice to every man, than by technical merit, that Stephen made his mark as a law reformer in India. His return to England brought him back to the scenes of his earlier training and work, fitted by his hard work in India to undertake and cope with great tasks in government, in legislation, and in the administration of law, the one department that he always upheld as the best and most honorable in Great Britain. His book *Liberty, Equality, and Fraternity*, published in 1873, the first fruits of his enforced leisure

while he was preparing to resume his practice at the Bar, was a profound discussion of first principles of ethics, an open dissent from Mill, an avowed departure from his earlier allegiance to Bentham and the utilitarian school, and largely influenced by the lesson he had learned in India of the value of a strong and powerful government. Then came another unsuccessful effort to gain a seat in Parliament, and more plans for books and more efforts to secure some measure of codification of English law. In the preparation of bills of this kind he gathered the material which went to the making of his later law books; and by his persistent effort to gain a hearing for the cause he had so much at heart he enlisted the sympathy of his co-workers, won the respect of even his opponents, and at last enjoyed the reward of a high judicial position from the men who governed England, while his appointment was heartily approved alike by Bench and Bar, and by all of the public for whose good opinion he had any respect. It was during this waiting period that he became a member of that curious body called the Metaphysical Club, whose discussions led him to the preparation of papers printed in *Fraser's* and the *Contemporary* and the *Nineteenth Century*, where he met in open literary warfare Manning and Ward and Gladstone, showing concentrated vigor, strong power of reasoning, and real grasp of the difficult problems at issue. His real and his best work was done in the preparation of a penal code, on which he expended great labor, enlisted strong support, secured a royal commission, only to see his labor and its results finally swallowed up in the general vortex of a change of government, with which vanished his last hope of being able to secure the codifying of any part of English law.

With Froude and Carlyle, with the Stracheys and with Lord Lytton, Stephen was on terms of close intimacy, — indeed his friendship with Lord Lytton was almost romantic in its growth, from an interchange of views just as Lytton was going out to India, to the most exhaustive correspondence on all subjects of contemporary interest, — with the most marked results on their political faith.

From 1875 until he became a judge in 1879, Stephen was Professor of Common Law at the Inns of Court. His lectures on evidence naturally led him to the preparation of a text-book, his *Digest of the English Law of Evidence*, in which he "boiled down" his material to a size that made the book useful alike to student and practitioner. It was but another of his efforts to show that the law was capable of being taught on a foundation of reason and common sense and made a beautiful and instructive branch of science. He endeavored to show the possibility of codifying as a private enterprise; he suggested the formation of a council of legal literature, to co-operate with the councils for law reporting and legal education; he called attention to the utility of a translation of the year-books, the first sources of the legal antiquary, and the continued publishing of the State Trials, — both now steadily going forward; and urged a collection of the laws of the British Empire. All this time he was in growing practice in complicated and involved cases, — requiring great and close application

of even his strong reasoning powers, yet he found or made opportunity to rewrite and recast his *History of the Criminal Law*, in which he put to practical use the historical methods of Maine and his school, to which Stephen came at last. The growth of the criminal law is closely connected with the development of the moral sense of the community, with all the great political and social revolutions, and with the changes of the ecclesiastical constitution and the religious belief of the nation. Almost unconsciously at first, but at last with a full recognition of the change, he had left the school of Bentham and Austin, and his *History of the Criminal Law* was complementary to the great constitutional histories of Hallam and Stubbs. He frankly acknowledged his obligations to them, but he made special investigations in his own field and produced a history of interest and value as bringing out certain correlative processes in the legal development of English institutions which constitutional histories naturally left in the background. He won the acknowledgment of very competent judges for his thorough mastery of the antiquities of the law, and yet it was a task not at all congenial to his love of general principles. Stephen's *History*, Sir Frederick Pollock said, is the most extensive and arduous work undertaken by any English lawyer since the days of Blackstone, including many subjects interesting not only to the lawyer, but to the antiquary, the historian, and the moralist; it is the study of the growth of an organic structure, providing the data for the truly philosophical historian. His next publication was his *Story of Nuncomar and the Impeachment of Sir Elijah Impey*, an episode in the great drama in which Warren Hastings was the leading figure. It is a destructive analysis of Macaulay's famous essay, and did good service to real history by showing once for all the ruthlessness and extravagance of Macaulay's audacious rhetoric.

At last, in January, 1879, came his appointment as a judge of the High Court of Justice, "the Jerusalem of the Judiciary," the natural and proper aim and the fitting reward of a lifetime of legal study and preparation. His judicial career ended with his resignation in consequence of ill-health in 1891, and he died in 1894, after a gradual weakening of both mental and physical powers. It was sad to see the man whose intellectual force kept pace with a great and vigorous body slowly losing power, and the end was a release from enforced idleness hard for him to bear. Even when he was in the full tide of successful work on the Bench, his old journalistic impulse stirred within him, and he contributed to the *Times* a series of caustic letters on Mr. Gladstone's Irish policy, from which he dissented with his whole strength. In these mature years he studied Spanish and read Cervantes, he mastered Italian and read Dante, and renewed his acquaintance, never a very intimate one, with the classics. He had a heavy blow in the death of his son, J. K. Stephen, whose career gave promise of great brilliancy, ending all too early in his thirty-third year. In this, as in all matters touching his home life, Mr. Leslie Stephen's biography of Sir J. F. Stephen is marked by a reticence that shows a profound respect for the sacredness of the family circle, while in his

criticism of his brother's literary work he speaks out plainly and strongly, thus lending greater weight to his account of it.

Much of the value of this *Life of Sir J. F. Stephen* is in showing that while he failed to secure the measure of success which his own honest ambition and the just estimate of his friends anticipated, yet he influenced other men in such a way as to make them strong and useful. His whole life was one of hard work, and he thoroughly enjoyed it for its own sake and not for any reward or honor that it might bring. His was a manly independence, of perhaps a little too rough a nature to commend him either to the people who had votes to give to a popular candidate for Parliament, or to the men in high office who had the power to give great places to those who served them with strong fidelity to party and unquestioning obedience. It was not in Stephen's nature to do this, — he thoughtfully reasoned out his own course in law, in politics, in theology, in metaphysics, and he was slow to change his views, but ready to confess his errors when he finally was convinced. Naturally such a man did not win university honors or gain a seat in Parliament or achieve great success at the Bar or popularity on the Bench, — indeed, he had for his personal comfort too little respect or regard for these or any conventional standards, — but he had a strong and manly nature, an intellectual superiority, an ambition to do good work, that made him a man of mark in his lifetime and that give his biography a special value of its own. Mr. Leslie Stephen's best qualities as a man of letters are shown in the capital way in which he has subordinated his own opinions and views of life, especially of intellectual life, in order to give to the world a clear and strong portrait of his brother, and we may be sure that his picture of Sir J. F. Stephen will be the one dearest to those who knew and loved the man, and to that larger circle of those who knew his work and respected its excellence.

J. G. ROSENGARTEN.

Wolfe. By A. G. BRADLEY. [English Men of Action.] (London and New York: Macmillan and Co. 1895. Pp. viii, 314.)

MR. BRADLEY has written an eminently readable book. The material for a biography of Wolfe is scanty, and already pretty well known through Wright's admirable *Life*. If we have now little that is new, the old story is retold with vigor and grace.

Wolfe's glory is the glory of one brilliant success, but he had the staying qualities of genius. Without money or powerful friends, he yet, even in Walpole's corrupt days, secured rapid promotion in the army by his own conspicuous merits. At twenty-two he was entrusted with the pacification of a whole district in Scotland. His genius was of the kind that takes infinite pains. His captains furnish him with an estimate of the characters of each of their men. Ill and worn-out at Quebec, he yet finds time and strength to visit two young subalterns lying ill on a transport.

On his last field he found opportunity in the hurry of battle to seek out a wounded officer and promise promotion. With these qualities, which won the love of others, he was unwearied in self-improvement. At Glasgow he employs tutors from the University and is deep in mathematics and classics. He is an enthusiastic student of the art of war. His despatches are masterpieces. So good were they that it was whispered that Townshend, his highly educated brigadier, must have written them; but in time Townshend wrote poor despatches for himself. "If your brother," said George Selwyn to Charles Townshend, Pitt's successor at the War Office, "wrote Wolfe's despatches, who the devil wrote your brother's?" Wellington's despatches are masterpieces too, but Wolfe surpasses Wellington in scholarly tastes and dignity of character. Flip-pant oaths would have sounded incongruous on Wolfe's lips. We do not know what he could have done in strategy or tactics on a great European field. Dettingen was the only battle between disciplined forces that he saw, and he was then but sixteen. He fought at Culloden against wild Highlanders, and on the Plains of Abraham against regulars mingled with militia troops and Indians.

Mr. Bradley slips sometimes. It was not Horace, but Sir Robert, Walpole, who said, "They may ring their bells: they will soon be wringing their hands" (p. 9). The governor of Virginia was not always "titled" (p. 94). Canada in 1759 consisted of something more than scattered settlements stretching down the St. Lawrence from Montreal (p. 98). There were not "a mill, a mansion, and a church" on each seigniori (p. 99). The churches were built as convenience prompted, and were generally less numerous than the seigniories. Louisbourg scarcely "commanded the mouth of the St. Lawrence" (p. 103). "The Canadas" did not exist until Upper Canada was established after the British Conquest (p. 141). On the other hand, one feels grateful to him for calling attention to an English archaism that the unwary would now call a new and vulgar Americanism. The sport was "elegant," says Wolfe of some grouse-shooting in Scotland.

The monument at Quebec which commemorates Wolfe and Montcalm with equal eulogy is probably unique. Recently, when a project was on foot in Canada to erect a memorial to some of the British who fell in the war with the United States in 1812-1815, Mr. Goldwin Smith offered to devote to the purpose the profits of his History of the United States, if an inscription in terms of international reconciliation were placed upon the monument.

This volume, like the others of the series, is crippled for want of an index.

GEORGE M. WRONG.

A History of the Presbyterian Churches in the United States. By ROBERT ELLIS THOMPSON, D.D. ["American Church History" Series.] (New York: The Christian Literature Co. 1895. Pp. xxxi, 424.)

THE REV. Robert Ellis Thompson, D.D., of Philadelphia, was selected by the Editorial Committee of the American Society of Church History, to write the history of the Presbyterian churches in the United States, for the series on "American Church History" which the Society planned, in the confidence that he could be trusted to present the facts in an impartial, scholarly, and interesting way. This confidence he has in the main justified.

The book opens with an excellent bibliography of fully 20 pages, distributed under periods. Similar bibliographies are given in each volume of the series, and constitute one of its most useful features. Then comes a single chapter on the historic antecedents, in the Old World, of the Presbyterian churches of the United States. To Calvin and John à Lasco Presbyterian polity is properly traced. From them it became the polity of the Reformed churches of the continent, and of the Scottish Church. But American Presbyterianism is really derived from Ulster, whither Scottish Presbyterians had emigrated in large numbers, in the early part of the seventeenth century, and whence they were driven to this country by prelatical oppression and troublesome landlords. The founder of American Presbyterianism is the Rev. Francis Makemie, who landed in 1683, and in Philadelphia was moderator of the first presbytery in 1705. Immigration from Ulster to America began in the closing decades of the seventeenth century, and set in on a great scale in the eighteenth century. As there were several species of Presbyterianism in the old country, it is not to be wondered at that the imported at once showed these varieties. Presbyterians were fond of argumentation upon small points, and so they divided among themselves on the old lines, and later on new ones. To-day, although much consolidation has taken place, and there has been a marked falling off of polemical zeal, there are still four distinct varieties of Presbyterianism among us, viz. the Presbyterian Church, *par excellence*, North and South, the Cumberland Presbyterians, the United Presbyterians, and the Reformed Presbyterians. They stand in this order in influence, numbers, wealth, and prospects, and there are few signs that these bodies will unite. Dr. Thompson tells the story of the growth of these species, giving much the larger space, properly, to the great Presbyterian Church, North and South. But in trying to follow several lines of development, he occasionally gets the skeins a little tangled and the reader's attention is distracted.

How modern the book is, is seen by the chapters on the Briggs and Smith cases, and that on the proposed Theological Seminary control. Probably many will turn to see what the author has to say upon the Briggs matter, and some will be surprised at his strictures upon the General

Assembly's decision. He frees his mind in fine style, and, perhaps, goes too far in his remarks. "This decision," he says (p. 269), "lacks the calm of the judicial temper. It is pervaded by a personal animus, which finds an outlet in many of its phrases, and especially in the conversion of the charge of unsound teaching into one of personal immorality, and in making the restoration of the offender dependent not upon the retraction of his alleged errors, but upon his 'repentance' for his sin. It thus affixes a stigma to the accused, which was not warranted by any evidence before the Assembly, nor embodied in any of the charges on which he was tried." Another chapter full of frank criticism is on Presbyterian theological and literary life since 1870. He scatters praise and condemnation with a free hand upon the writers and teachers of the Church, mentioning the living as well as the dead.

Dr. Thompson found the 450 pages allowed by the publisher for the volume all too many, and used only 316. He thus had space for an appendix of 100 pages of the most important documents "illustrative of the history of the Presbyterian Church in America." As this list is itself an epitome of Presbyterian history, and as nowhere else can the student find these documents all brought together in so convenient a form, his list will be here given entire: 1. The Scottish National Covenant of 1581; 2. The Solemn League and Covenant, 1643; 3. The Adopting Acts of 1647; 4. The Adopting Act of the Synod of Philadelphia, 1729; 5. The Synod of Philadelphia's Explanatory Act of 1736; 6. The Protestation of 1741, which occasioned the division of the Synod of Philadelphia; 7. The Plan of Union of 1758; 8. The Basis of Union of 1782, on which the Associate Reformed Church was founded; 9. The Adopting Acts of 1788; 10. The Declaration of Principles of 1788; 11. The Terms of Subscription required of Candidates for Ordination in the Presbyterian Church since 1788; 12. The Plan of Union of 1801; 13. The Excising Acts of 1837; 14. The Auburn Declaration of 1837; 15. Deliverances on Slavery [in the various Presbyterian churches]; 16. Doctrinal Basis of the Union of 1858, forming the United Presbyterian Church; 17. Adopting Act of the Union of 1858; 18. The Action of the Old School Assembly on Loyalty, in 1861; 19. Address of the Southern General Assembly to all the Churches of Jesus Christ, adopted 1861 [one of the most remarkable papers in American history, and which should by all means be read by every Northern man]; 20. Doctrinal Basis of Union of the United Synod of the South (N.S.) with the Southern Presbyterian Church (O.S.), 1864; 21. The Doctrinal Basis of the Reunion of the Old and the New School Churches in 1869; 22. The Concurrent Declarations of 1869; 23. The Charges upon which Dr. Briggs was tried, and the Sentence pronounced by the General Assembly, 1893; 24. Proposed Plan for the Federation of the Reformed Churches of America, 1894.

SAMUEL MACAULEY JACKSON.

- ✓ *The Finances of the United States from 1775 to 1789, with Especial Reference to the Budget.* By CHARLES J. BULLOCK. [Bulletin of the University of Wisconsin: Economics, Political Science, and History Series, Vol. I., No. 2.] (Madison: The University. 1895. Pp. 157.)

THE monograph before us is one more reminder that the period of blind worship of everything belonging to the era of our Revolution is ended. It is, also, proof that we are reaching the stage of true university work. The idea that our institutions are not an invention, but a growth, is beginning to take root. To within a very recent time, it was supposed that the revolutionary fathers evolved out of their inner consciousness all that we now have, and that, too, in a perfected state.

This essay, as well as those of Robinson, Guggenheimer, and many others, indicates that unthinking laudation of all things American is to be relegated to campaign speeches. It also gives evidence that we have reached that intellectual maturity which enables us to trace the unfolding of our institutions from small and imperfect beginnings, and to test them, not by our reverence for the men of a past century, but by their adaptability to the needs of the complex civilization of which we are a part. Forsaking the generalities of a previous generation, students are now content to take each a small portion of the system established a century ago and trace its origin and growth.

One result of this new method has been to call attention to the necessity of a new classification of what may be called the social sciences. For instance, it would be extremely difficult to say whether the work of Mr. Bullock is a study in history, in public finance, or in administration.

The introduction to the essay gives a general view of the condition of affairs at the outbreak of the Revolution. The remainder of the work falls naturally into two parts, and the "Conclusions." Part I. gives a detailed account of the income and expenditure of the United Colonies. The revenues are described according to their origin, as those from (1) Continental paper currency, (2) domestic and foreign loans, (3) taxes, and (4) miscellaneous. This is followed by a careful estimate of the expenditures.

Part II., which deals with the finances from an administrative standpoint, is by far the most interesting portion of the work. The first chapter gives a chronological account of the various acts, committees, officers, and boards by means of which Congress collected and disbursed the national revenues. The next chapter traces historically the development of the idea of a budget. Then comes a minute account of the steps by which Congress came to the idea of a reasonably unified budget in 1789.

Traces of the popular prejudice of which we have spoken are revealed in the author's repeated attempts to prove that none of our ideas of a budget came from Great Britain, but from the practices of the individual provinces. It is doubtful if the point is well taken. Be that as it may,

to be consistent, the author should have proved in turn that none of the individual colonies followed precedents from the mother country.

The monograph throws much new light on the real nature of the confederation, and shows the inherent weakness of that form of government. The lack of executive and judicial power during those important years not only prevented the development of a good financial administration and left its traces upon the Constitution of 1789, but also influenced, in a marked degree, the later practices under that constitution. The work is completed by a careful *résumé* of the ground covered by the essay, and a list of the works used in preparing it.

Among the more important things emphasized by the author are the facts, first, that a lack of taxing power led inevitably to dependence on bills of credit and that the ease with which these could be issued prevented any feeling of responsibility for a budget in which income and expenditure were balanced; and, second, that a people accustomed for almost twenty years to a government which had no power to tax, naturally demanded an exemption from direct taxes under our present more liberal constitution. The result of this is our great dependence on indirect taxation to this day.

On the whole, the essay is a careful, conscientious, successful piece of work, and a contribution to our knowledge of this very critical period of our national life.

A little more care in proof-reading (for a single example see line 4, page 234) would have made the volume much more attractive in appearance.

JOHN H. GRAY.

Life and Correspondence of Rufus King. Edited by his grandson, CHARLES R. KING. Vol. II., 1795-1799. (New York: G. P. Putnam's Sons. 1895. Pp. 666.)

A NUMBER of characteristics make the *Life and Correspondence of Rufus King* one of the most valuable contributions to the early history of the United States. The man was notable because of many high qualities and wide experience in public life. Without the constructive brilliancy of Hamilton, or the destructive capacity of Jefferson, or the critical ability of Madison, King deservedly takes a high rank as a man of action, trained intelligence, and great common sense. The contrast between Monroe's diplomatic failure in France and King's success in England illustrates the strength of the latter. Monroe was misled by his sympathies, and at a critical juncture permitted his feelings to govern his head. The result was a serious menace to the safety of the newly constituted United States, and this overzealous agent was properly disgraced. With quite as delicate questions to manage, and with sentimental predispositions quite as strong, King succeeded in everything he attempted, and in everything left the impress of a clear and far-sighted statesman. This

was due, in great part, to his training and associations. A lawyer by profession, he had served in the Continental Congress before that body had sunk into contempt and lost all power of submitting recommendations acceptable to the states. His labors in the Constitutional Convention trained his political sense, and a long term in the Federal Senate, during a critical period of domestic policy, brought him into close association with the leading men of the day, whose influence he felt and reflected.

The second volume of this correspondence covers a part of his services in the Senate and in London. Much of the purely official interchange of despatches between King and the Department of State has been published in the State Papers; but that often meagre and formal record is supplemented by his private correspondence, now printed for the first time. The value and interest of these letters it would be difficult to exaggerate. The free expressions of such men as Gore, Cabot, Sedgwick, Troup, and Noah Webster, on political thought and intrigue, are historical records, all the more valuable because brought together in one volume. In describing the passing phases of party movements, they throw light on public policy and individual motives. The questions of neutrality, citizenship, impressments, commercial systems and treaties, French and English depredations on American commerce, the progress of French conquests and the rise of Napoleon, the rebellion in Ireland, the uprising of Toussaint, and the attitude of the United States to possible republics in South America and the West Indies—these are a few of the matters touched upon in these letters, and always in a serious and thoughtful tone.

His position in England made heavy demands upon King's judgment, and it is remarkable in how many directions the United States could have been closely associated with Great Britain in her far-reaching schemes. England proposes joint action in the formation of independent republics in South America, and sees in them a means of checking the French advance towards any foothold in America. Some combined interference is also suggested in Toussaint's plans, for a free black power in the West Indies would be a menace to British islands and to the continuance of slavery in the Southern States. Pitt proposes that the United States and England form a "combine" in sugar, and, possibly, in coffee; for the trade in those articles was monopolized by the two countries. King favors a treaty of commerce with the Porte, and England and Russia proffer their good offices and influence in the matter. France is all for gain, and having forced the United States to denounce existing treaties with her, preys upon its commerce, rejects its ministers, and refuses to negotiate without bribes even more immoral than the piracies of the Barbary States. Through an American (Vans Murray), France makes advances to England for a hearing and possible diplomatic intercourse. It would be easy to extend this list of subjects; it would be interesting to quote King's opinions; but the letters must be studied to be appreciated at their real value.

They leave the impression of unusual merit. The editing by Dr. Charles R. King is judicious, accurate, and praiseworthy for its reserve.

WORTHINGTON C. FORD.

The Expeditions of Zebulon Montgomery Pike, to Headwaters of the Mississippi River, through Louisiana Territory, and in New Spain, during the Years 1805-6-7. A new edition, now first reprinted in full from the original of 1810, with copious critical commentary, memoir of Pike, new map and other illustrations, and complete index. By ELLIOTT COUES, late Captain and Assistant Surgeon, United States Army; late Secretary and Naturalist, United States Geological Survey. (New York: Francis P. Harper. Three vols., pp. cxiii, 955.)

IN March, 1804, the trans-Mississippi domain of Spain was delivered over to the United States. In August of the year following Lieutenant Pike, at the head of twenty soldiers, was despatched from St. Louis to the sources of the Mississippi. At Prairie du Chien, — the only white village on his route, — he met, in council, the Chippewas, urged them to expel whiskey-sellers, and induced them to turn back from the war-path on which they had entered against the Sioux. At the Falls of St. Anthony he bought of Indians a site he had selected for a fort, sealing the contract with sixty gallons of whiskey. At Little Falls, not far south of the line of the Northern Pacific Railroad, he built a stockade and left in it seven of his command. With the rest, each four of his men drawing a sled, he pushed on to a British Fur Company's establishment on Sandy Lake, thence to another on Leech Lake, where he arrived on the 1st of February, 1806. This water he viewed, and rightly, as "the main [that is, most voluminous] source of the Mississippi." But he advanced thirty miles further north to Cass Lake.

He extorted from natives divers British medals, made British fur-traders promise that they would give them no more, and would themselves pay duties on the goods they had hitherto smuggled. On the last of April Pike and his party had descended the river and were in the camp which had been their starting-point.

Ten weeks later Pike set forth on another expedition. Its primary object was restoring to the Osages, on their great river, some fifty Osage captives redeemed by our government from Indian foes. Thence he went north to the Republican River in Nebraska, then south to the Arkansas and up it till his way was hedged up by the Royal Gorge. Turning northwest, he discovered and measured the peak that bears his name, and came upon a watercourse which he thought the Red River, but which, as he at last learned, was in fact the Arkansas. Going southward, he struck the Rio del Norte, which he believed, or said that he believed, to be the Red River. Captured by Spaniards, he was carried as a mysterious personage to Santa Fé, to Chihuahua, the provincial capital,

and at the end of four months, chiefly consumed in sluggish marches, he was escorted to the American line near Natchitoches, by a Spanish Dogberry who, doubtless, "called his watch together and thanked God that they were rid of a knave."

Pike's hairbreadth escapes from the Spanish lion, at an explosion of powder, at the burning of his tent, among hostile Indians, in cold and nakedness, above all from perils of wilderness starvation, were beyond anything save his own description. In the event of war with Spain, which was imminent, his Mexican disclosures would have been invaluable, and must have raised him at once from a captain to a general.

He had kept a daily journal even when the ink froze in his pen — and it had eluded Spanish detectives, being at last hidden in the barrels of his soldiers' guns. Each of his journeys was in a *terra incognita*, and yet one about which curiosity was keen. His first edition, of 1810, naturally found a warm welcome both abroad and at home. Nor is his work of ephemeral interest. The observations of an intelligent man in a virgin field never are. Witness the perennial popularity of Xenophon's *Anabasis*. But his writings have a tenfold charm for dwellers on the upper Mississippi and the vast Southwest.

Anticipating the curiosity that myriads must feel in their cradle era, Dr. Coues has brought out a new edition of a book well worthy of his pains. His qualifications for this labor are not likely to be again united in any single man. He has himself seen almost every scene described by Pike, in many quarters while himself serving in the army. He has made many special pilgrimages on land and water for rounding out his Pikean research. He has written in Washington and known how to cull from its archives side-lights for the obscurities of his author. He has taxed all the world that his production may lack no fulness of perfection.

But here alas, the defect — say rather the excess of his qualities. He claims to have made a reference edition of Pike. He has, but he should have left his readers to make more references for themselves. "Half is more than the whole" is as true a maxim to-day as when Hesiod declared those unwise who did not know it. No matter what store of learning or vivacity of expression, a big book is a big bore.

Pike's expeditions north and south, even with the York campaign in which he perished thrown in, did not fill two years. Now that they are blazoned in three octavos and 1068 pages, in the embarrassment of riches we feel like the child who was happy with his present of an orange in each hand, but when a third was offered him burst into tears. He had no third hand.

The new Pike has outgrown its girdle and yet it might have been easily put into circumscription and confine. There seems to have been an original sin in its make-up, — namely, an endeavor to produce tomes that would approximate in ponderosity and price to the author's *Lewis and Clark*. But in treating of those worthies there was constant occasion to correct, complete, or illustrate the text of the former editor from the

manuscript codices of the captains. Hence there was need of a thousand notes, while among half as many on Pike not a few are dead weight like the stone a Turkish muleteer puts in one side of his pannier to balance the load. Biographical sketches, in scores, of persons, both civil and military, whose connection, if any, with Pike was of the slightest, should have been omitted, or condensed from pages to lines.

Dr. Coues has done well in giving within brackets the scientific names of plants, animals, etc., mentioned by Pike, but his further explanations are to the average reader often *obscurum per obscurius*. A specimen is the definition of wild-rice (p. 39), too long to quote, which is a parallel to Johnson's saying that network is "anything reticulated, or decussated with interstices at the intersections." After one brief note the editor says, "For the rest see any cyclopædia or gazetteer" (p. 32). He should have said so many times, — or rather his readers would have known enough to consult these and other reference books for themselves. They could look in Webster for "wind-shake" (p. 109) as well as he. Brevity, the soul of wit, would have made a desirable gain had we been spared eight pages of legal quibbles concerning the purchase of a site for Fort Snelling (p. 232) and about as many regarding the Mexican boundary and "places near it of which Pike had nothing to say" (p. 642). Several pages in proof that Pike had more than one child need not have been printed, if five words had been quoted from a letter which Wilkinson wrote him; namely, "Your *children* have been indisposed" (p. 576). It is hard to see reason for several lists of stations from railroad guides, and extracts from the exaggerations of booming towns, as where St. Paul is credited with a population of 190,000 (p. 92) [140,292 was the census of 1895].

But none of the multitudinous notes need expurgation so much as those throwing out sceptical sneers which are as much out of place as a Sabbatarian's censures on Pike's Sunday travel would have been. Thus, Pike wrote two lines in mention of an Indian deluge myth (p. 180). Coues adds thirty-six longer lines to proclaim his own disbelief in "the Noachian narration." Pike one day read Volney (p. 154). Why should Coues fill five and twenty lines with a eulogy on Volney? He must have thought he needed whitewashing. In stating that, as he thinks, the St. Croix River was not so named from the Christian cross, he talks of "the theological proclivity to suppose the name to have been given for the usual instrument of the execution of Roman malefactors, later put by the Emperor Constantine on his banner, and afterward used for other purposes" (p. 71). On the next leaf he calls an Indian burying-ground "the sacred spot hallowed by association with the deepest religious emotions of the aborigines" (p. 73). "Look on this picture, and on this!" What need to shock Catholics and Protestants alike? "This sin's not accidental, but a trade."

In cases such as we have noticed it seems a pity that Dr. Coues did not "allay his skipping spirit with some cold drops of modesty." For detailed criticisms we have no room, nor is there much need. In one

linguistic remark, however, he seems at fault. Bostonians, as an Indian name for English-speaking Americans, he traces to Lake Superior. Finding it in the Chinook of the northwest coast, he infers that "it passed from mouth to mouth across the continent" (p. 188). More probably it came round Cape Horn, and was the name by which tribes on the Columbia knew the Boston-men who discovered that river in 1792. So an army officer, more than forty years ago stationed at Fort Vancouver, assured the writer. The longest way round, the shortest way there.

On the whole, the new Pike must prove monumental. It will forever link its author with Pike's fame. Its map of Mississippi sources, and the arduous voyage into the farthest fountains, will not let us wonder that the Minnesota State Park Commissioner styled a lakelet feeding Itasca Elliott Coues, and inscribed that name upon a boulder on that utmost shore.

JAMES DAVIE BUTLER.

The First Chapter of Norwegian Immigration (1821-1840). Its Causes and Results. With an Introduction on the Services rendered by the Scandinavians to the World and to America. By RASMUS B. ANDERSON, LL.D. (Madison, Wis. : The Author. 1896. Pp. xvi, 469.)

DURING the first two centuries after the English occupation of America, scarcely any Norwegians settled here; such few as visited these shores were, so far as anything is known about them, mostly sailors. It was in 1825 that the first body of Norwegian colonists — fifty-three in number — landed in New York harbor. What had influenced them to leave their native land was, it would appear, largely dissent from the State Church, most of these immigrants being Quakers. They founded a settlement in Orleans County, New York, where some of their descendants still live. Some years later others came, and in greater numbers, mostly with a view to improving their material condition. These generally went to the West, where, by 1840, five considerable settlements had been established. Many were the hardships they endured, prosaic was often the life they led, and scant was as yet the measure of religious comfort they enjoyed.

Such, in brief, is the story that Mr. Anderson relates in this volume. That the story is worth the telling admits of no doubt, especially in view of the broader stream of Norwegian immigration which began to pour in upon and enrich the Northwest in subsequent years. The historian who would determine the influences that go to the making of American character must reckon with contributions of this kind. They are more than mere local history; they are records of people developing some of their better race-characteristics through struggles with new difficulties. For inquiring into the antecedents of Norwegian-Americans, Mr. Anderson has peculiar facilities, and to the inquiry he has devoted much time and pains. The result is a collection of much interesting information that will

prove especially valuable to historical investigators in a broader field. But as the author himself admits, arrangement and proportion are sometimes faulty. This is in part due to the nature of the materials that had to be dealt with. Yet it would seem that more success in these respects was attainable. The biographic and genealogical details in which the book abounds have, no doubt, their interest, but it is questionable whether so many names should have been introduced into a work intended, I take it, as a contribution to history. The general reader would have been thankful for a fuller account of pioneer life, and to that end would willingly have dispensed with the full text of some of the letters of reminiscences addressed to the author. As it is, the book lacks somewhat in unity and in literary finish.

In his introduction Mr. Anderson seems to strain matters somewhat to make out a strong case for the old vikings. This was not necessary. Nor can Leif Erikson properly be said to have contributed anything to America — unless it be the mooted question as to where he landed. Until we know to a certainty that Columbus profited by the Norse discovery, that discovery, while an important event in Norse history, will to America possess only an antiquarian interest.

ANDREW ESTREM.

History of the United States from the Compromise of 1850. By JAMES FORD RHODES. Vols. I.—III.; 1850–1862. (New York: Harper and Brothers. 1893–1895. Pp. 506, 541, 659.)

MR. RHODES has entered upon the task of writing the history of the United States from 1850 to 1885. The first two volumes of the work were published two years ago and were almost universally commended. Students of American history were delighted to find that one had begun this work who appreciated the dignity and difficulty of the undertaking, and who combined many of the qualities called for in a great historian; for the period presents many difficulties and calls for talent of a peculiar order. He who could piece together with patience and imagination the scattered bits that form the groundwork of mediæval history might well stand aghast before the tons of material that must needs be scanned before one can pass a final judgment upon the Rebellion and the era of reconstruction. Moreover, the years are yet new. No one, North or South, can read of Manassas or Shiloh without a tendency to a quicker pulse; and only supernatural genius will allow an American to write a purely objective history of that "mightiest struggle and most glorious victory as yet recorded in human annals." It is not too much to say that Mr. Rhodes has succeeded remarkably well in overcoming the two difficulties just mentioned. He has shown unusual skill in handling redundant or conflicting testimony; and he has shown himself a historian and not a partisan. In the first respect he has perhaps given a lesson to future writers of history. For the newspaper has become the great problem to the

historian. How can one sift the gold from the dross? Its kernels of truth are apt to be like Gratiano's reasons, "as two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them, and when you find them they are not worth the search." Mr. Rhodes has successfully solved the problem. He does not delve in the chaff of thousands of papers or hold up to view treasure-trove from innumerable pamphlets. A newspaper, like any other witness, is forced to show its worth and standing before its words are taken seriously; moreover, he does not forget that reports and editorials are written by men, and he strives to get behind the printed page to the man that wrote the words. Greeley and Weed are to him thoughtful and influential persons, but they are not crowned deities because they control the utterances of big newspapers. It is not the transient newsmonger of Washington whom he trusts, but the accredited correspondent who has shown acumen, ability, and sense. Facts are not gleaned from the press when less sensational sources can be discovered; but references are continually made to newspapers and periodicals to show apparent public sentiment or the drift of public opinion. He has thus shown us how the history of our day can be written. To cut oneself loose from the daily press is to deny oneself access to the life of the people. But to cull from the irresponsible sensational sheet all the vivid imaginings of worthless reporters is to portray life as a fiery furnace, through which one can pass unscathed only when clothed in the garments of *Abed-nego*. By this sensible use of material Mr. Rhodes has given a picture of stirring events without making the reader feel that the world had left its orbit. For through all these momentous years men bought and sold, planted and reaped, married and were given in marriage.

In avoidance of partisanship and palpable advocacy, Mr. Rhodes has shown talent. The books are utterly free from vituperation or sectional spitefulness. There is a conscientious effort to be impassively scientific. Possibly the next century will see a fairer treatment, but we have no right to expect that in this generation a book will be written more free from passion and prejudice. Some may doubt if the historian is called upon to be as inflexible as the physical scientist. There has always been place for moral indignation in the affairs of men, and the great historian will probably always feel a touch of it, because without strong human feeling he cannot fully appreciate the impulses of which he writes. These books occasionally give evidence of such weakness—or strength—as strong sympathy or deep personal interest; but it is not the reviewer's duty to rebuke the author for such fault or to bid him be bloodless in all he writes. He certainly has not forgotten that the South was the victim of heredity and environment, and under the influence of climate and cotton. Science has helped him to leniency of judgment. Yet, dispassionate as the author is on the whole, he is not weak in his opinions or estimates of men. Buchanan, for example, is not maligned. He is not described by a single noxious epithet. But the utter incompetence of the

"old maid," as Polk rightly dubbed him, appears on every page simply from the calm recital of events and the plain picturing of the situation. It is extremely interesting to see how all the special pleading that had been done in Buchanan's behalf loses force and color in the light of unadorned facts.

The third volume, which has just issued from the press, will not disappoint the expectations raised by the earlier volumes. In independence of thought and in careful and adroit handling of perplexing events, this third volume is the best of all. The reader is at no time befogged. The intricacies of the winter of 1860-1861 are dealt with so skilfully that the knotted skein is all untangled. This result is due to two causes. The writer has firmly grasped the main facts and clearly stated them, unencumbered with philosophy and undimmed by moral reflections or argument; he has, moreover, written with utmost clearness. The style now and again becomes monotonous; it is never brilliant, but it is always simple, direct, effective. Occasionally there is a piece of strong description, — made stronger by the simplicity of the language. The scenes in Charleston when the Ordinance of Secession was adopted are given vividly and make a deep impression; and yet through it all the style is not turgid, but quiet, retiring, as if an awestruck spectator were in no mood for rhetorical flowers or fireworks. The author has found his greatest task in choosing illustrative material for his footnotes. It is well that he is not suffering from the reaction which seems to have set in against copious references and annotations. But beyond question he should have had a little more courage and stricken out quotations not really illustrative of the text, even though they are interesting in themselves. At times, to use an old figure, there is only a rivulet of text running through a meadow of notes.

Occasionally Mr. Rhodes seems to lack decision. The judicial spirit seems to have overpowered his judgment. He hesitates, for instance, to determine whether it were better for the North to fight, or once again to compromise in hopes of a peaceful issue from the irrepressible conflict. Perhaps it is not the historian's business to decide such questions, or to indulge in *ex post facto* prophecy; he soon finds that past events were hurried along by inevitable causes springing from innumerable sources, and that the task of prophesying from hypothetical conditions is a thankless one for the simple reason that such conditions were impossible. The author closes his eyes to the full force of the resolution which McLean of New York offered on the peace conference: "Whenever a party shall be beaten in an election for president or vice-president, such party may rebel and take up arms, and, unless the successful shall adopt as its own the principles of the defeated party, and consent to such amendments to the constitution as the latter party shall dictate, then, in such case, the Union shall be at an end." These resolutions contain the essence of the contest. There is no occasion now, even though we know the horror and anguish of civil war, to doubt that the North would have been craven had it yielded to such conditions. It would have destroyed

the very foundations of free government. There are times when it is necessary to fight, and Chandler was not far wrong when he said that without a little blood-letting "this Union will not . . . be worth a rush." Such indecision and hesitation as the author occasionally exhibits are, after all, not serious blemishes on his work. It is refreshing to find a writer making no assumption of infallibility. He is ever anxious to show the reader the grounds for his faith or doubt. He is willing to admit that in many matters of real history, when a historian is portraying the vicissitudes of a great people's life, the play of motive and the impulses of passion are difficult to detect, and he who would seek a nation's stops must approach his task without assurance or conceit.

In this third volume Mr. Rhodes discusses at some length the efforts at compromise in the winter of 1860-1861. He directs attention almost entirely to the Senate. The House committee of thirty-three is scarcely mentioned. The Peace Congress receives little more than passing notice. The words and conduct of Seward are examined with care, and the votes of the Senate committee are carefully analyzed. In other books we have had our eyes directed to the presumption of the South, to the folly of efforts to soothe away insolvable troubles, or to the weakness of the North, overcome with reactionary remorse. Mr. Rhodes has given us a different view. Possibly he does not estimate aright the inflexible purpose of the South to have all or nothing, and yet he seems to make it pretty clear that the failure of compromise measures was due to the stalwart Republicans, to those whom Chandler called "stiff-backed men." Seward, the most influential man of all, was at first hesitating, fearful. Had Seward, and he alone, taken his stand for the Crittenden compromise, the plan might have been adopted and the line 36° 30' run through to California. To Lincoln is due the fact that Seward held firm and came to see that a compromise, that yielded the principle for which his party had striven, could not be acquiesced in. But, spite of the acumen and insight with which Mr. Rhodes has examined this matter, he sees in one respect not quite clearly. His eyes are directed so assiduously to the metropolitan newspapers, to the fluctuations of opinion in mart and street of the great cities, that he seems to forget that behind all this was a mighty folk and that "the plain people" were not willing to surrender and call their action compromise. Lincoln's position was only one more illustration of the fact that he felt for and with the people about him. Even in the East, the young men, free from traditional conservatism and not yet tainted by commercial instinct, were far more apt to be uncompromising than the more prominent men who controlled the newspapers or stood at the head of great factories. It is clear that the West, not bound by cotton ties to the South, was unflinchingly devoted to the party to which it had given birth. Not Seward or Greeley or Weed, but Wade and Lincoln and Chandler, were the stiff-backed men of the crisis. A fuller study of Western sources would, it seems to me, have enabled the author to detect more surely the strong and conquering forces of the time.

Mr. Rhodes has given us neither a constitutional nor a military history. Constitutional questions have no attractions for him. He utterly refuses to assume the legalistic attitude. He does well not to entangle himself in senseless subtleties; but, after all, even the Rebellion took its rise in legal argument and its assumed justification in constitutional construction, and the conduct of the war involved many legal difficulties. These volumes would have been richer if the author had not avoided all legal problems in his endeavor to shun legalism. One wonders how he will succeed in dealing with the reconstruction period; for there law and fiction of law are the very Hamlet and Horatio of the whole drama. His account of military affairs, too, is somewhat meagre. Whatever he has to say is said lucidly and well. But there are certain indications of a distaste for military history. He has no zest for the game of war, and thus he loses sight of the broad and interesting strategic problems which make of war a huge game of chess. He lacks the geographic sense which enables a writer to see a military situation and to put it graphically, that sense which made Grant a general and his book a masterpiece. Without this power one cannot be a good military historian. It is well that the author has realized his limitations, for what he attempts to do he does well. He is writing a political and social history with rare judgment, accuracy, and patience, with good literary skill, and with sincerity and honesty of purpose. It bids fair to take its place among the very best works of American authors.

A. C. McLAUGHLIN.

The Canadian Banking System, 1817-1890. By ROELIFF MORTON BRECKENRIDGE, Ph.D., sometime Seligman Fellow in Economics, Columbia College. (New York: Published for the American Economic Association, by Macmillan and Co., 1895. Pp. 476.)

THIS octavo of 476 pages is accounted as the equivalent of three ordinary numbers of the publications of the American Economic Association, and is distributed to the members as Nos. 1, 2, and 3, of Vol. X. The importance of the subject, and the skill displayed in its treatment, fully justify the concession of so much space.

The United States banking system has maintained a deserved popularity for more than thirty years for a double reason. First, the system embodied the results of the best American banking experience; second, it has been operated under an environment of favoring conditions. But of late these circumstances have not been so favorable, and it is well understood in financial circles that the excellent principles of the national system must have a new application to changed conditions if it is to survive. The "Baltimore plan" of the Bankers' Association is an example of the various projects brought forward for its amendment.

Wise conservatism should always prevail in monetary legislation, and

a suitable period of education should precede any radical action in a matter so important as a national banking system. The experience of any foreign nation with a banking system should, at this time, be welcome and useful, but that of a state so similar to our own as is the Dominion of Canada, in geographic location and features, in its history and people, ought especially to yield valuable lessons and precedents.

Mr. Breckenridge's work is very opportune, and should be carefully examined by every one who expects to act, or to influence action, upon any feature of our monetary system. The only persons who cannot be benefited by such works are those extremists who hold and teach that banks should have no place in a monetary system, but that the government should have the monopoly not only of coinage, but of the issue of paper money. With such the author has not thought fit, in this historical work, to reckon, and he was under no obligation to do so.

The first half of the volume is given up to the history of the rise of Canadian banking from 1817, and its progress up to the formation of the confederation in 1867. The busy reader may skim the first six chapters but lightly, especially if he has lately read the excellent sketch by Mr. Walker in Palgrave's *Dictionary of Political Economy*, or that of Mr. Hague in *Canadian Economics*, a volume made up of papers read before the British Association for the Advancement of Science, at its Montreal meeting in 1884. Chapters VII., VIII., and IX. carry on the history of Canadian banking as organized under the first Dominion law of 1871, as amended in that of 1881, and as it was finally, in 1890, revised and codified in the admirable legislation of that year.

The transfer of the control of banking from provincial to Dominion authority wrought no revolution in the principles of the system. Just as the national government of the United States took over the New York banking system, so the Dominion upon its organization followed in its legislation that of a leading province. Mr. Breckenridge's final chapter (X.) is devoted to a not uncritical, but still highly commendatory, discussion of the working of the system as finally established in 1890. It ought, probably, to be assumed that the author's approval of the leading features of the system applies to it as a system for Canada as she is and has come to be, and that he does not expect those features to be generally adopted in other neighboring jurisdictions. The concentration of the banking business into the hands of a few corporations domiciled in the great cities would not now, if ever, be tolerated in the United States, no matter how great might be the promised advantage to the public. Our idea of local government and independence would equally prevent the establishment of any system of branch banking under the control of such great central corporations. In regard to the practical management of banking business, much may be learned from the Canadians by those who know how to learn from the experience of other people. While Scotch and English customs and traditions prevail, our neighbors have not neglected to adopt American ideas and devices. The American plan of a note circulation,

founded on securities, however, the Canadians, after ample consideration, rejected. They prefer to adhere to their traditional policy of a bank circulation resting solely on the credit of the banking corporations, under safeguards of law. No reserve is required, and no definite securities are pledged, but the notes are made a first lien on all the assets of a failing bank. That such a circulation has been successfully operated for many years to the profit of the banks and the public convenience, without the least loss to note-holders, is a matter of history. That it possesses the capital advantage of elasticity is well shown in this book. Just here is the weak spot in our American monetary system in its present condition. Since the repeal of the "Sherman Act" there has been absolutely no elastic element left in our circulation, a state of things which must, before long, become intolerable. The critical reader will note in this book, now and then, a crudity of expression natural to an unpractised writer, which will, no doubt, trouble the author more than any one else.

WILLIAM W. FOLWELL.

The Arnold Prize Essay for 1894 was a monograph on *The Expulsion of the Jews from England in 1290*, by B. L. Abrahams, which is now issued as a thin book (Oxford, B. H. Blackwell, 83 pp.). The treatise is an interesting and valuable one, based on varied and careful research. Mr. Abrahams treats the history of the Jews in England from the Conqueror's time, but especially in the thirteenth century. He shows how the economic policy of the towns closed to the Jews other careers than that of the money-lender, and how the increase of popular hostility towards them was accompanied by the decrease of their financial importance to the Crown, until, under the influence of the decrees of the Council of Lyons, Edward I., in 1275, forbade them the pursuit of usury. He exhibits the efforts of the king toward a statesmanlike policy with relation to his Jews, and the mode in which that effort was made vain by their isolation, at once compulsory and voluntary. The motives and events which led to the final act of expulsion are set forth, together with its execution and results.

Mr. Irving B. Richman, Consul-General of the United States in Switzerland, residing at St. Gallen, has published a small book on a neighboring state, the interesting little half-canton of Appenzell Innere Rhoden, — *Appenzell; Pure Democracy and Pastoral Life in Inner-Rhoden; a Swiss Study* (London and New York, Longmans, 206 pp.). The portion of the book devoted to the history of the canton, somewhat less than a half, gives a plain, intelligible, and interesting account of its development from Roman times to the present century. The author's conclusions on the questions of primitive property and primitive democracy, so far as they are illustrated by Inner Appenzell, are of interest: "In what has been said it is not intended to advance the proposition that in

Inner-Rhoden the Mark, in all its technical features, was a primary institution. It is not intended to assert that, technically, there was not overlordship, or that private property did not exist. The proposition which is advanced is, that there must have been in this region, primarily, a considerable number of persons practically freemen, and that the Almend of to-day, with its tincture of communism, not improbably points to a yet more communistic and autonomous Almend in the past."

The ardent, almost passionate, study of the career of Napoleon, which forms the most characteristic incident of recent historical research, but which has been rather popular and hero-worshipping than scientific, has extended itself to all whose lives in any way touched or influenced the famous Corsican adventurer. The beautiful creole who filled so large a part in the private life of the Emperor has of course come in for her share of adulation. The latest book devoted to her is the production of Mr. Frederick A. Ober (*Josephine Empress of the French*, New York, The Merriam Company, 1895, pp. vi, 458), who is better known as a traveller in the West Indies with a charming gift of description than as a historian. It may be said at once that his book is historically worthless; it is a mere rhapsody of admiration, interspersed with attacks on Josephine's detractors, and reads more like a volume of devotions in honor of a saint than a sober biography. Now all the eloquence in the world cannot make Josephine a saint. She was a charming woman indeed, and possessed a winning grace that attracted men about her throughout her career, but by the universal confession of her contemporaries, she shared the loose morality of her epoch, and never showed herself of the stuff of which heroines, saints, or ordinary good women are made. Mr. Ober's admiration of Josephine has led him into transports that are occasionally somewhat ridiculous, as in the account on page 50 of the crayfish, who, "bolder than the rest, sallied forth and nipped the future Empress' little toe, thinking — and rightly — that it was a *bonne-bouche* worth some risk to reach." The most interesting part of Mr. Ober's volume deals with the early life of Josephine on the island of Martinique. He has visited the haunts of her childhood and collected the local traditions of the inhabitants about her early life. Some of the traditions are rather absurd, or at least absurdly described, but others, on the contrary, throw a vivid light upon the life of a French planter in the West Indies during the last century. Several illustrations are given of places in Martinique connected with the early history of Josephine and of her family, including a picture of Josephine's birthplace. The book is one which deserves to be added, for the reasons mentioned, to the library of any one collecting literature about Josephine, or even about Napoleon, but it cannot be considered as history in any sense of the word, and must be relegated to the department of rhapsodical biography or looked upon as a curious development of the Napoleon craze.

H. M. S.

A series of volumes entitled *Women of Colonial and Revolutionary Times* is inaugurated by Messrs. Charles Scribner's Sons, and is doubtless destined to much popularity. Such popularity will be well deserved if all the volumes of the series are as excellent as the first, Mrs. Alice Morse Earle's *Margaret Winthrop*. The subject is well chosen, for seldom does colonial history present the relations of a husband and a wife in so great fulness and beauty as in the case of John and Margaret Winthrop. If the story of the wife cannot be told independently of that of her husband, and if Mrs. Earle has been sometimes led into the narration of matters of early Massachusetts history with which Margaret Winthrop had personally little to do, yet there is in her letters more abundant material for the delineation of her individual personality and life than will often be at the service of those who may write the subsequent volumes of the series. Mrs. Earle has based her little volume upon careful research, and has made it an interesting, graceful, and by no means unsubstantial contribution to the knowledge of Puritan life in Old and New England.

Mr. James Schouler's *History of the United States of America under the Constitution* has won its way by substantial merits into such popularity as to require a new edition ("Revised Edition," five volumes; New York: Dodd, Mead & Co.). A map of the United States at an appropriate period has been added to each volume. New plates have been made for the first two volumes. In these a considerable number of small improvements has been made, partly corrections of matter, partly ameliorations of style. The only important additions seem to be in passages in which the great statesmen of the period — Jefferson, Madison, Hamilton — are characterized. One notes the effects of the author's special studies for his little book on Jefferson, but sees surprisingly little modification arising from the publication of Mr. Henry Adams' volumes, whose contribution to the knowledge of the period has been enormous, though his view of Jefferson is doubtless in many ways unsatisfactory to Mr. Schouler. The third, fourth, and fifth volumes are printed from the plates used heretofore. The plates are somewhat worn, but the right-minded reader may derive consolation from the thought which this suggests, of the wide diffusion of a good book.

A doctoral dissertation of very much more than ordinary value is *The Origin and Development of the United States Senate*, by Clara Hannah Kerr, of Cornell University (Ithaca, Andrus and Church, 197 pp.). After discussion of the formation of the Senate in the convention of 1787, its subsequent history is taken up topically, one chapter being devoted to the election of senators and organization of the Senate; another to the history of the Senate's development and practices as a legislative body; another to the Senate as an executive body; and another to the Senate as a judicial tribunal.

The research upon each point of senatorial procedure has been exceedingly thorough, the mode of representation is clear, and the judgments

are sensible and moderate. Students of constitutional history will be much indebted to the book.

It is proper to call attention to a slip on page 31, where, in speaking of the representation of both parties in committees of the Senate, the author says: "Mr. King, who had served in the Senate since the adoption of the constitution, stated in 1844 that it was the invariable practice." William R. King, who made the speech alluded to in 1844, had served in the Senate since 1819, an unusually long period, but not so extraordinary as that which is suggested in the text.

Every study which includes the early history of the United States Senate increases regret that for information respecting its proceedings we are obliged to rely so largely on the diary of the atrabilious and parvanimous Maclay. It is much to be hoped that sometime other and better narratives than his may be forthcoming. To no documents on constitutional history would the pages of this REVIEW be more gladly thrown open than to a good narrative or journal of this kind.

The State Historical Society of Wisconsin has just issued the thirteenth volume of its *Historical Collections*, edited and annotated, like its predecessors, by the corresponding secretary of the society, Mr. Reuben Gold Thwaites. An important portion of the contents arises out of the presentation to the society by Mr. Alfred E. Bulger, of Montreal, of the papers of his father, Captain A. H. Bulger, who was in command of Fort McKay during the greater part of the period 1814-1815, during which the Fox-Wisconsin waterway was occupied by the British. These papers are now printed, and with them the papers of James Duane Doty, who was secretary in Governor Cass's expedition to Lake Superior and the sources of the Mississippi River in 1820, and had an important part in the agitation for the organization of a separate territory in Wisconsin. The first territorial census, taken in 1836, is printed in detail. The volume also has notes of the early lead mining in the Galena-River region, by the editor, and articles by Dr. O. G. Libby on the significance of the lead and shot trade in early Wisconsin history; by Mr. X. Martin on the Belgians in northeastern Wisconsin; and by the editor and Father Chrysostom Verwyst on the history of Chequamegon Bay.

A historical review must very seldom feel called upon to take notice of books of genealogy. But if there be any American family whose private records are a matter of public history, that of Lee is surely such. It is doubtful whether, all generations considered, any other family could make so substantial a claim to be, historically, the most distinguished in the United States. Beginning with Colonel Richard Lee and his grandson, President Thomas Lee, the roll of eminent names includes the latter's sons, Thomas Ludwell, Richard Henry, Francis Lightfoot, William, and Arthur, Governor Henry Lee, Charles Lee, the attorney-general, Richard Bland Lee, Governor Thomas Sim Lee, Admiral S. P. Lee, General Robert E. Lee, the greatest name of all, and the three younger generals

of the name, of whom two are still living. But it is not simply the inclusion of these noted names that gives historical importance to the portly volume which Dr. Edmund Jennings Lee of Philadelphia now publishes under the title of *Lee of Virginia, 1642-1892, Biographical and Genealogical Sketches of the Descendants of Colonel Richard Lee* (Philadelphia, the Editor, 586 pp.). The materials published in the book, collected during many years with great care by the late Cassius F. Lee, jr., of Alexandria, and by the present editor, include a large mass of varied and interesting historical matter, illustrating the history of Virginia and of the Union. In each generation, and especially under each great name, one finds a rich store of letters and documents hitherto unprinted, contributing in an important degree to our knowledge of Virginian political and social life from the days of Colonel Richard to those of General Robert Lee. The work of the editors has been done in a critical and scholarly manner, and the book has interesting illustrations taken mostly from portraits and coats-of-arms. Incidentally much information is given concerning Virginian families with which the Lees intermarried.

A word of criticism must be offered respecting the arrangement. From the point of view of genealogy it is orderly and perfectly satisfactory. But it is plain that the book will have, and was intended to have, importance from the point of view of history also. Now the historical student will find it hard to use, and will almost be reminded of the Rev. Professor Richard Henry Lee, whose lives of his grandfather and granduncle, with the papers on which he based them, afflict the investigator with a pain almost proportioned to their value. It is far easier to search for the historical materials contained in this book, for they are printed in connection with the names of the persons to whom they relate, and those personal names are arranged in proper genealogical order and are admirably indexed. But if the materials connected with any given name were arranged in a strictly chronological order, and if there were an index of some sort to the historical as well as to the genealogical matter, the gratitude of the reader would be much increased.

In the spring of 1895 Mr. Joshua W. Caldwell printed in the *Knoxville Tribune* a series of articles upon the constitutional history of Tennessee. They were written in aid of an effort for a constitutional convention, yet were historical and not controversial in their character. The articles, in a revised form, are now published as a book (Cincinnati, The Robert Clarke Company, 1895, pp. xiv, 183), under the title *Studies in the Constitutional History of Tennessee*. The book begins with the Watauga Association and the history of Cumberland and Franklin. Dwelling but slightly upon the organization of the Southwest Territory, it deals at some length with the constitutions of 1796, 1834, and 1870, and the progressive amendments to the same. It is quite unpretending, yet has a distinct value as a sensible, fair-minded, and intelligent sketch of a subject not without importance for readers outside of Tennessee.

Mr. Noah Brooks' *Washington in Lincoln's Time* (New York, The Century Co., 328 pp.) is one of the best books of its class. Going to Washington in 1862, as correspondent of the *Sacramento Union*, Mr. Brooks remained there until after the close of the Civil War, and wrote newspaper letters nearly every day. These, preserved in volumes of scrap-books, with other materials carefully kept, form the basis of his reminiscences. Mr. Brooks had very unusual opportunities of getting the best kind of material for such a book. He had a familiar acquaintance with many of the most important persons in Washington, and especially with Lincoln, with whom he had been almost intimate in Illinois several years before the war. Beside these superior opportunities, he has abilities, as a writer of reminiscences, far surpassing those of the ordinary newspaper correspondent. The book is exceedingly entertaining and graphic, and is also of real value to the student of history, first because of its accurate and vivid portrayal of the surface of Washington life during a momentous period, and secondly because it presents a first-hand narrative of several famous events and political complications. Especially pleasing is Mr. Brooks' contribution to a knowledge of Lincoln, whom he depicts with admiration, yet with candor.

BIBLIOGRAPHICAL

I. The Library of the American Antiquarian Society.

[When "No. 45, Notes on Special Collections in American Libraries," was published in the series of *Bibliographical Contributions* issued by the library of Harvard University, the library of the American Antiquarian Society at Worcester, Mass., was by chance omitted. As the pamphlet mentioned is of constant use to scholars, and as the Antiquarian Society's library is one of great importance to students of history, it has been thought that some notes upon its contents would be welcomed, as a supplement to "No. 45," by readers of the REVIEW. The following notes have been prepared by Miss Mary Robinson, assistant to the librarian, Edmund M. Barton, Esq.]

The Library was founded in 1812, by Isaiah Thomas, the Revolutionary printer, his own library forming the nucleus, to which have been added 90,000 volumes.

American history: this collection is large and growing, including general, state, and local histories, genealogy, biography, state, city, and town documents. In special departments the Library has important collections relating to *Witchcraft*, *Indian linguistics*, the *American Revolution*, *Slavery* and the *Civil War*.

The collection of *Congressional documents* is one of the most complete in the country.

American newspapers: a valuable collection of over 5000 volumes. Among the most complete files of the early newspapers are those of the *Boston News Letter*, *American Weekly Mercury*, *Pennsylvania Gazette*, *New York Gazette*, *New York Weekly Journal*, *New Hampshire Gazette*, *Newport Mercury*, *Connecticut Gazette*, and *Connecticut Courant*. The Library has a nearly complete file of the *Massachusetts Spy*, the oldest existing newspaper in Massachusetts. A list of the collection of newspapers, as it was in 1880, was printed in the eighth volume of the *Tenth Census*.

Mather manuscripts: this voluminous collection includes diaries, sermons, notes, and essays. The earliest treasure is the original draft of the celebrated Cambridge Platform, drawn up by Richard Mather. The form, as adopted by the synod, and printed at Cambridge in 1649, is in the Library. The autobiography of Increase Mather, written for his children, and diaries kept in his interleaved almanacs, include the years from 1660 to 1721. About 300 letters from Cotton Mather, and his diaries for the years 1692, 1696, 1699, 1703, 1709, 1711, 1713, and 1717; also several essays that have never been published, among them a theological treatise called "Triparadisus," "A Brand plucked out of the Burning," an account of witchcraft, and the experiences of Mercy Short, and a very pious and

elaborate medical essay on the common maladies of mankind, called "The Angel of Bethesda." *Printed works*, 400 volumes, by the following members of the family: Azariah, Cotton, Eleazer, Increase, Moses, Nathanael, of Salem, Nathaniel, son of Increase, Nathanael, of Dublin, Richard, Samuel, of Dublin, Samuel, of Windsor, Samuel, of Witney, England, and Samuel, of Boston. Another interesting memorial of these famous Puritans is a collection of over 900 volumes, which comprised a portion of their working library.

Historical manuscripts: 800 carefully arranged volumes, including a numerous collection of orderly-books of the Revolutionary army, together with records, muster-rolls, army orders, etc., covering the later Indian wars and the Revolutionary period; six folio volumes of the (Salem) Curwen family papers, relating to private and public affairs, covering the latter part of the seventeenth and the whole of the eighteenth centuries; William Lincoln's MSS., relating to the history of Worcester County; Christopher C. Baldwin's diaries, and his Sutton papers; also a large collection of deeds, inventories, and autograph letters; some exquisitely illuminated missals on vellum, written during the thirteenth, fourteenth, and fifteenth centuries.

The Library contains a large proportion of the early *American imprints*: the "Bay Psalm Book," printed at Cambridge, 1640; several early editions of the Cambridge Platform, and various almanacs; the *Massachusetts colonial laws* for 1660, 1672, 1675, 1692, and 1699, and an exceedingly interesting collection of sermons by the early New England divines, relating to ecclesiastical and civil matters.

Bibles: about 500 volumes, comprising the Venetian edition of 1476, and the celebrated Archbishop Cranmer Bible of 1540. This department contains both editions of the Eliot Indian Bible; the Aitkin Bible, Philadelphia, 1782, and the first folio Bible in the English language printed in America, by Isaiah Thomas, at Worcester, 1791.

Early books: a work on natural history, which Thomas, in his "History of Printing," states to have been printed as early as 1470; Petrarch De Contemptu Mundi, 1471; also a rare edition of his De Vita Solitari, 1472, which has rubricated capitals throughout; and many other valuable specimens of ancient typography.

Spanish America: about 1200 volumes, comprising works on Mexico, Central and South America. Additions to this collection are made from a fund established by Isaac and Edward L. Davis. The antiquities of Mexico and Yucatan are well illustrated by valuable collections of relics, the gift of Hon. Stephen Salisbury, the President of the Society. These are of especial value, as representing the original object of the Society, — the study of American antiquities.

Japanese literature: this collection, the gift of Hon. J. Carson Brevoort, includes issues from the leading presses of the world, from 1558 to 1859, written in six different languages.

The collection of *early voyages and travels* includes many primitive editions.

* *American text-books*: about 4000 volumes. Many complete sets of the publications of *learned societies*.

The Library has a good collection of *Psalmody* and *Hymnology*: also a collection of maps, political broadsides, painted and engraved portraits, photographs, busts, and statues.

2. *West Florida.*

For the following list of materials in the Public Record Office at London, relating to the history of the British colony of West Florida, the REVIEW is indebted to William Beer, Esq., Librarian of the Howard Memorial Library at New Orleans.

A. AMERICA AND WEST INDIES.

- | | | | |
|------|-----------------------------------|---------------|---|
| 252. | 1763-1765. | West Florida. | Gov. Geo. Johnstone. |
| 253. | 1765-1766. | do. | do. |
| 254. | 1766-1767. | do. | do. and Lieut.-Gov. Montfort Browne. |
| 255. | 1767-1768. | do. | Lieut.-Gov. Browne. |
| 256. | 1768-1769. | do. | do. |
| 257. | 1769-1770. | do. | do. and Lieut.-Gov. Elias Durnford. |
| 258. | 1770-1771. | do. | Governor Peter Chester. |
| 259. | 1771-1772. | do. | do. |
| 260. | 1772-1773. | do. | do. |
| 261. | 1773-1774. | do. | do. |
| 262. | 1774-1776. | do. | do. |
| 263. | 1776-1777. | do. | do. |
| 264. | 1777-1778. | do. | do. |
| 265. | 1778-1780. | do. | do. |
| 266. | 1780-1781. | do. | do. |
| 267. | 1778-1781. | do. | Military; Brigadier, afterwards Maj.-Gen. Campbell. |
| 331. | 1766, Sept. 22, to 1767, June 20. | West Florida. | No. 1. |
| 332. | 1766, Sept. 26; to 1770, July 14. | do. | No. 1. |
| 333. | 1770, Sept. 24, to 1777, Oct. 25. | do. | No. 2. |
| 334. | 1776, Dec. 26, to 1781, July 2. | do. | No. 3. |
| 438. | 1768, Feb. 14, to 1781, March 7. | do. | Entry Book A. |
| 533. | 1702 to 1782. | Floridas. | |

B. BOARD OF TRADE. ACTS.

102. 1766 to 1771. Florida, West. Nos. 1 to 46.

NOTES AND NEWS

Mrs. Mary Anne Everett Green, who died on November 4, was born in 1818. Between 1849 and 1857 she published her *Lives of the Princesses of England*, the *Diary of John Rous*, edited for the Camden Society, and the *Letters of Queen Henrietta Maria*. From 1857 to the present year, she has been one of the most laborious and successful of the staff of officials who edit the *Calendars of State Papers*. Her contributions to this series embraced ten volumes in the series extending from Edward VI. to James I. inclusive, eight volumes for the reign of Charles II., and the entire series (thirteen volumes) for the Commonwealth and Protectorate, with four other volumes concerning the committees of the Republic. Her work has commanded the utmost respect from the most authoritative historical writers.

Henry Reeve, C.B., who for thirty-five years was registrar of the Privy Council, and for the last forty years had been editor of the *Edinburgh Review*, died on October 21. He was born in 1813, and is noted as the translator of Tocqueville and of Guizot's *Washington*, and as the editor of Whitelock's *Journal of his Embassy*, of the memoirs of Count Vitzthum, and especially of the memoirs of his associate at the Privy Council Office, Charles Greville. He also published, in 1872, a historical volume called *Royal and Republican France*.

Auguste Mathieu Geffroy, formerly director of the French School of Archæology at Rome, died on August 16, aged 74. His chief publications were books in the field of Scandinavian history and his edition, published in concert with von Arneth, of the secret correspondence between Marie Antoinette and Count Mercy d'Argenteau.

Ruggiero Bonghi died on October 22. Born at Naples in 1828, he was for a short time a professor of ancient history at Rome, but was more noted as a minister of public instruction and as a writer. He published a *Storia della Finanza Italiana* (1864-1868), a *Bibliografia storica di Roma antica*, 1879, and a *Storia di Roma*, 1885.

✓ Edward McPherson, clerk of the House of Representatives in seven congresses, and author of a *Political History of the United States during the Great Rebellion* and a *Political History of the United States during Reconstruction*, died on December 14, at the age of 65.

Andrew D. Mellick, author of *The Story of an Old Farm; or, Life in New Jersey in the Eighteenth Century*, died in Plainfield, N.J., on November 6, at the age of 55.

Ulick Ralph Burke, whose *History of Spain* was received so favorably last spring, died during the summer at Lima.

The annual meeting of the American Historical Association, announced to take place at Washington on December 26 and 27, will have occurred before the issue of this number of the REVIEW. At the time of our going to press, the volume of the Annual Report containing the papers read at the meeting held in December, 1894, has not yet come to hand. The usual long delay in the publication of these papers, while, doubtless, a natural incident to the connection of the Association with the federal government, is none the less to be regretted.

Messrs. Frederik Muller and Co. of Amsterdam (Doelenstraat 10) continue their series of *Remarkable Maps of the XVth, XVIth, and XVIIth Centuries* by the issue of Part II. / III., containing about twenty large maps of the seventeenth century, showing the various epochs in the cartography of Australia as understood by the Dutch cartographers, with notes by Mr. C. H. Coote of the British Museum. The edition is of one hundred copies. Parts IV., V., and VI., completing the series, will contain maps illustrating the cartographical history of America, Russia, Asia, etc. The same house announce a limited edition, in photo-lithographic facsimile of the original manuscripts, of Abel Tasman's Journal of his discovery of Van Diemen's Land and New Zealand in 1642, with documents relating to his exploration of Australia in 1644, edited by Mr. J. E. Heeres of the Dutch State Archives and Mr. C. H. Coote.

In the series of *Translations and Reprints from the Original Sources of European History*, published by the Historical Department of the University of Pennsylvania, the following numbers have been issued in 1895: papers upon English Towns and Gilds, edited by Professor Edward P. Cheyney; on the Napoleonic Period, edited by Professor J. H. Robinson; on the life of the Mediæval Student, edited by Mr. Dana C. Munro; on certain Monastic Tales of the Thirteenth Century, edited by Mr. Munro; on England in the time of Wycliffe, edited by Mr. Cheyney; on the Period of the Early Reformation in Germany, edited by Mr. Robinson and Mr. M. Whitcomb; and the Life of St. Columban, edited by Mr. Munro. Revised editions of the first two numbers of Vol. I., on the Early Reformation Period in England, and on Urban and the Crusaders, have also been issued.

The fifth volume of Mr. J. N. Larned's useful *History for Ready Reference* contains the articles from Tunn. to Zyp., treated in the same manner as that followed in the previous volumes of the work. Of these articles, that on the United States holds naturally the first place. A supplement contains additions to articles in the first four volumes, chiefly translations from French and German works; an extensive chronology of universal history; genealogical tables; and a selected bibliography.

The new number of the *Historische Zeitschrift*, the first number of Vol. 76, appears with the name of Professor Heinrich von Treitschke upon the title-page, in place of that of the late Heinrich von Sybel, who had been its chief editor from its foundation. In a brief preface Treitschke declares his intention of making no change in the policy of the Review.

The *Deutsche Zeitschrift für die Geschichtswissenschaft* is about to be reorganized, and from the beginning of the year 1896 may be expected to appear with more regularity and under a different editorial management.

The publishing section of the American Library Association has published through the Library Bureau a *List of Books for Girls and Women and their Clubs* by Augusta H. Leypoldt and George Iles, in which the section devoted to the bibliography of history is by Mr. R. G. Thwaites, secretary of the Wisconsin Historical Society.

Henry Holt and Co. publish a volume of *German Historical Prose*, edited by Professor Schoenfeld of Columbian University and containing representative selections from Ranke, Giesebrecht, Droysen, Sybel, Janssen, Treitschke, and Lindner.

In an article in the *Educational Review* for December, Professor A. B. Hart discusses the subject of *College Entrance Requirements in History*. Mrs. Mary Sheldon Barnes has an article in the same number on *The Teaching of Local History*.

Professor J. B. Thayer is preparing for publication a volume on the history of trial by jury. It will contain his excellent essays on that subject which appeared in the *Harvard Law Review* in 1892, revised, with new matter added.

Professor Ottokar Lorenz of Jena has just published a *Genealogisches Handbuch der europäischen Staatengeschichte* (Berlin, Wilhelm Hertz), a second edition of his *Genealogischer Schul- und Handatlas*.

The twenty-first edition of Haydn's *Dictionary of Dates* will be published immediately by Ward, Lock, and Bowden of London.

ANCIENT HISTORY.

A new journal in ancient history is the *Rivista di Storia Antica e Scienze Affini*, published at Messina under the direction of Giacomo Tropea. The first number contains an article by the editor on *L'Etna e le sue Eruzioni nelle principali Fonti greche e romane*, and a discussion by E. Cocchia *Del modo come il Senato Romano esercitava la Funzione dell' Interregno*. The list of articles in periodicals, which is to be made an important feature of the new journal, will be published in an independent form at five lire per annum under the title *Bollettino Trimestrale delle Pubblicazioni Periodiche di Storia Antica e Scienze Affini*.

Mr. Alfred Jarvis of 43 Willes Road, London, announces the addition to his series of Assyrian Reproductions of a copy of part of the Black Obelisk of Shalmaneser II.; namely, the panel concerning the tribute of King Jehu.

Mr. H. E. Seebohm, son of Mr. Frederic Seebohm, has published through Messrs. Macmillan an essay *On the Structure of Greek Tribal Society* which forms an excellent complement to his father's works.

Professor W. Rhys Roberts' *The Ancient Bœotians: their Character and Culture and their Reputation*, an interesting little volume in the Cambridge Historical Series, published in England by the Cambridge University Press and in this country by Macmillan, makes a successful attempt, besides giving the salient facts respecting the civilization of Bœotia, to say all that can be said in defence of the Bœotians against the prejudices which modern readers have imbibed from Attic writers.

Charles Scribner's Sons issue a new edition of Mommsen's *History of Rome*, Dr. Dickson's translation revised from the eighth German edition.

Among recent studies of the Roman province of Africa should be noted Gaston Boissier's *L'Afrique Romaine: Promenades archéologiques en Algérie et en Tunisie*, (Paris, Hachette), and Toutain's *Les Cités Romaines de la Tunisie* (Paris, Thorin).

Among recent dissertations in ancient history, separately published, may be noted R. W. Rogers, *Outlines of the History of Early Babylonia*, Leipzig (74 pp.); C. Peters, *Das goldene Ophir Salomo's: eine Studie zur Geschichte der phönikischen Weltpolitik*, Munich (64 pp.); E. Curtius, *Der Synoikismos von Elis*, Berlin (14 pp.); R. Nordin, *Die äussere Politik Spartas zur Zeit der ersten Perserkriege*, Upsala (93 pp.); P. E. Rosenstock, *Die Akten der Arval-Brüderschaft*, Strassburg (27 pp.); F. Luterbacher, *Die römischen Legionen und Kriegsschiffe während des zweiten punischen Krieges*, Burgdorf (44 pp.); V. Ferrenbach, *Die Amici populi Romani republikanischer Zeit*, Strassburg (76 pp.); L. Blomgren, *Th. Mommsens Theorie om Romerska Principaten*, Upsala (189 pp.).

Noteworthy articles in periodicals: H. Jacobi, *Der vedische Kalender und das Alter des Veda* (Zeitschrift der deutschen Morgenländischen Gesellschaft, XLIX. 2); E. Amélineau, *Les Fouilles récentes en Egypte* (Revue des deux Mondes, July 15); Ed. Meyer, *Die wirthschaftliche Entwicklung des Alterthums* (Jahrbücher für Nationalökonomie, IX.); R. Pöhlmann, *Aus dem hellenischen Mittelalter* (Historische Zeitschrift, LXXV. 2); G. de Sanctis, *Agatocle* (Rivista di Filologia, I. 3); G. B. Grundy, *The Trebbia and Lake Trasimene* (Journal of Philology, No. 47); G. Bloch, *La Religion des Gaulois* (Revue Internationale de l'Enseignement, XV. 6, 8).

EARLY CHURCH HISTORY.

The first volume of Harnack's *History of Dogma*, translated from the third German edition by Neil Buchanan, has been published by Roberts Brothers. Harnack has recently printed, in the *Sitzungsberichte* of the Berlin Academy, an important monograph on *Tertullian in der Literatur der alten Kirche*.

Among recent German dissertations in early church history, separately published, may be noted, R. Berg, *Der heilige Mauricius und die thebäische Legion*, Halle (59 pp.); and H. Gelzer, *Die Anfänge der armenischen Kirche*, Leipzig (66 pp.).

Noteworthy articles in periodicals: *Lightfoot's Apostolic Fathers* (Quarterly Review, October); E. Petersen, *Blitz- und Regenwunder an der Markus-Säule* (Rheinisches Museum, L. 3); Asmus, *Eine Encyclika Julians des Abtrünnigen und ihre Vorläufer* (Zeitschrift für Kirchengeschichte, July, October); Müller, *Die Bussinstitution in Karthago unter Cyprian* (Zeitschrift für Kirchengeschichte, July, October); C. H. Turner, *The Paschal Canon of "Anatolius of Laodicea"* (English Historical Review, October).

MEDIÆVAL HISTORY.

A new edition of Potthast's *Bibliotheca Historica Mediævi* is announced by Weber of Berlin, and the first section has appeared. Subsequent notice of this in our pages may be expected.

Mr. George Haven Putnam continues his works on book-making with a volume entitled *Books and their Makers during the Middle Ages* (New York, G. P. Putnam's Sons).

Among recent German dissertations in mediæval history, separately published, may be noted: A. Dove, *Das älteste Zeugniß für den Namen Deutsch*, Munich (13 pp.); P. Geyer, *Adamnanus, Abt von Iona*, Augsburg (47 pp.); and M. Claar, *Die Entwicklung der venetianischen Verfassung von der Einsetzung bis zur Schliessung des grossen Rates*, 1172-1297, Munich (58 pp.).

Noteworthy articles in periodicals: E. Sackur, *Die Promissio Pippin's vom Jahre 754 und ihre Erneuerung durch Karl den Grossen* (Mittheilungen des Instituts für österreichische Geschichtsforschung, XVI. 3); Ad. Schaube, *Studien zur Geschichte und Natur des ältesten Cambiums* (Jahrbücher für Nationalökonomie, LXV. 2); *St. Francis of Assisi* (Church Quarterly Review, July).

MODERN EUROPEAN HISTORY.

The latest issues in the series of *Old South Leaflets* (58-64) contain reprints of certain Letters of Hooper to Bullinger, Sir John Eliot's Apologie for Socrates, certain Ship-Money Papers, Pym's Speech against

Strafford, Cromwell's Second Speech, Milton's Ready and Easy Way to establish a Free Commonwealth, and Sir Henry Vane's Defence.

The sixth volume of Lavissee and Rambaud's *Histoire Générale* (Paris, Colin) is devoted to the age of Louis XIV., 1643-1715. The seventh volume, now appearing, will continue the work to 1788.

Ch. Laurent has published at Brussels the first volume (762 pp.) of a *Recueil des Ordonnances de Charles Quint*.

Professor Kovalevsky, of Moscow, has begun the publication of a work in four volumes, in Russian, on the origins of modern democracy.

Among recent dissertations in modern history, separately published, may be noted: M. Reich, *Erasmus von Rotterdam*, Berlin (32 pp.); A. Evers, *Das Verhältnis Luthers zu den Humanisten*, Rostock (128 pp.); P. Schreckenbach, *Luther und der Bauernkrieg*, Leipzig (45 pp.); V. Hantzsch, *Die überseeischen Unternehmungen der Augsburger Welser*, Leipzig (42 pp.); F. Kunz, *Österreich und der spanisch-englische Hieratsplan vom Jahre 1623*, Wien (42 pp.); V. Löwe, *Die Organisation und Verwaltung der Wallensteinschen Heere*, Freiburg (39 pp.); E. Haumant, *La Guerre du Nord et la Paix d'Oliva*, Paris (Colin); W. K. A. Nippold, *Die Regierung der Königin Mary Stuart von England, 1689-1695*, Hamburg (100 pp.); F. Lohmann, *Vauban*, Berlin (46 pp.); A. v. Ruville, *William Pitt und Graf Bute*, Berlin (119 pp.); J. Mayer, *Die französisch-spanische Allianz in den Jahren 1796 bis 1807*, Linz a. D.; J. Bauer, *Napoleon I. und seine militärische Proklamationen*, Munich (68 pp.); P. Träger, *Die politische Dichtung in Deutschland, 1800-1850*, Munich (44 pp.); B. v. Simson, *Über L. von Ranke und seine Schule*, Freiburg (38 pp.); W. Sutermeister, *Metternich und die Schweiz, 1840-1848*, Bern (94 pp.); P. Laband, *Die Wandlungen der deutschen Reichsverfassung*, Dresden (v. Zahn u. Jänsch).

Noteworthy articles in periodicals: E. H. R. Tatham, *Erasmus in Italy* (English Historical Review, October); Merx, *Zur Geschichte des Klosterlebens im Anfange der Reformationszeit* (Zeitschrift für Kirchengeschichte, October); H. Forst, *Der türkische Gesandte in Prag 1620 und der Briefwechsel des Winterkönigs mit Sultan Osman II.* (Mittheilungen des Instituts für österreichische Geschichtsforschung, XVI. 4); Luckwaldt, *Der Vertrag von Westminster 1756* (Preussische Jahrbücher, LXXX. 2).

GREAT BRITAIN AND IRELAND.

A new edition of Scargill-Bird's *Handbook to the Public Record Office*, adapted to the present arrangement of the records, is soon to be published.

The officials of the English Public Record Office have started at five different points a *Calendar of Patent Rolls* from Edward I. to Henry VII., one portion (1292-1301) of which is printed, while others are already in

type. A *Calendar of State Papers, Domestic*, of the reign of William and Mary has also been undertaken. Vol. II. (1305-1342) of the calendar of entries in the Papal Registries relating to Great Britain and Ireland, (Papal Letters, ed. W. H. Bliss) has been brought out; likewise the *Calendar of State Papers, Domestic*, for 1671, ed. F. H. B. Daniell. The third volume of Hume's *Calendars of State Papers preserved in the Archives of Simancas*, etc., including the years from 1580 through 1586, will appear not later than January, 1896. The succeeding volume (1587-1588, inclusive) will probably appear in January, 1897. A new volume of the *Calendar of State Papers, Colonial*, formerly edited by Mr. Noel Sainsbury, and now edited by Hon. John W. Fortescue, may shortly be expected.

In the forty-fourth volume (Paston—Percy) of the *Dictionary of National Biography* the articles which are of most interest to historical students are those on St. Patrick, by Rev. T. Olden; Peel, by Hon. George Peel; Penn, by J. M. Rigg; Pepys, by Leslie Stephen; Peckham and Perceval, the Percys and the Pelhams.

Lord Acton's inaugural lecture delivered at Cambridge last June has been printed in a little volume by Macmillan and Co. (143 pp.).

In 1870 the University of Oxford accepted a legacy of two thousand pounds under the will of the Rev. James Ford, the income from which was to be applied to the foundation of a professorship of English history. The income being insufficient, nothing was done until 1893, when some of the history tutors proposed the establishment, with this income, of an annual course of historical lectures to be delivered at Oxford and to be printed under the title of the *Ford Lectures on English History*. Congregation at first approved but afterwards threw out the proposal. In last August, however, a decree was obtained from the Chancery court permitting the foundation of the projected Ford lectureship in the place of the attempted professorship.

Battles of English History, by Hereford B. George, Fellow of New College, Oxford, presents individual accounts of a series of battles extending from Hastings to the Indian Mutiny, accompanied by brief essays on the progress of the art of war.

The 600th anniversary of the first representative English Parliament was commemorated by the Massachusetts Society of Colonial Wars at the Old South Church, Boston, on the evening of November 27. Mr. A. C. Goodell, jr., delivered an address on the early English Parliament and the early representative assemblies of the Massachusetts Colony.

The third volume of Mr. J. Hamilton Wylie's *History of Henry IV.* has just been published.

Mr. Oppenheim, whose articles on naval history in the *English Historical Review* have excited favorable notice, expects to publish in about a year a *Naval History of England*, which shall continue the work of Sir Harris Nicolas down to the year 1660.

Julian Corbett, who wrote a life of Drake for the "English Men of Action" series, hopes to publish within a year, probably under the title *The Rise of English Sea Power*, a history of the English navy during the latter half of the sixteenth century, grouping it about the life of Drake.

A publication of some interest to students of Elizabethan history is Dr. Richard Ehrenberg's *Hamburg und England im Zeitalter der Königin Elisabeth* (Jena, G. Fischer, 362 pp.).

Professor J. K. Laughton, secretary of the Navy Records Society and editor of *State Papers relating to the Defeat of the Armada*, is now editing for the Society the documents bearing upon Blake's career in the war against the Dutch. Other publications of the Society will be a book of naval accounts and inventories under Henry VIII., edited by Mr. Oppenheim, to be ready, probably, by November, 1896, and a volume of French and English documents on the little naval war of 1512-1513, by M. Alfred Spont.

The British Museum has acquired forty miscellaneous volumes of materials gathered by Sir James Mackintosh in preparation for the writing of his *History of England from the Revolution of 1688*. These materials, however, are most abundant and remarkable for the period of the Commonwealth.

Mr. J. E. P. Wallis, editor of the *State Trials*, is preparing a *History of Parliamentary Government in the British Colonies*.

Noteworthy articles in periodicals: Communications on Gildas, various (Academy, September 14, 28, October 5, 12, 19, 26, November 2, 16); H. B. Simpson, *The Office of Constable* (English Historical Review, October); G. Strickland, *Ricerche istoriche acerca di S. Bonifazio di Savoia, arcivescovo di Canterbury* (Miscellanea di Storia Italiana, XXXII.); J. Loserth, *Das vermeintliche Schreiben Wicklifs an Urban VI.*, etc. (Historische Zeitschrift, LXXV. 3); J. Forbes-Leith, *La Révolution Religieuse en Angleterre à l'Avènement d'Elizabeth* (Revue des Questions Historiques, October); J. G. Alger, *An Irish Absentee and his Tenants, 1768-1792* (English Historical Review, October); E. Pariset, *La Société de la Révolution de Londres dans ses rapports avec Burke et l'Assemblée Constituante* (Révolution Française, October 14); *Crimean Letters* (Edinburgh Review, October); H. B. Adams, *Freeman, the Scholar and Professor* (Yale Review, November); *Freeman, Froude, and Seeley* (Quarterly Review, October).

FRANCE.

The *Annuaire de l'École Pratique des Hautes Études* for 1896 contains, besides the usual documents and reports on the work of the school, a brief paper by M. Monod, *Du Rôle de l'Opposition des Races et des Nationalités dans la Dissolution de l'Empire Carolingien*, in which the author points out the indications of national feeling in the latter half of the ninth and in the tenth century.

The last volume issued in the *Collection de Textes* for the use of students is the *Annales Gandenses*, edited by Frank Funck-Brentano (Paris, Picard).

A. Waddington has just published the first volume of a work entitled *La République des Provinces-Unies, la France, et les Pays-Bas Espagnols de 1630 à 1650* (Paris, Masson).

The Duke of Aumale has published (Paris, Calmann-Lévy) the seventh and concluding volume of his *Histoire des Princes de Condé*.

R. Stourm has just published a useful *Bibliographie Historique des Finances de la France au dix-huitième Siècle* (Paris, Guillaumin, 341 pp.).

The Comte de Ségur has published an interesting biography of the Maréchal de Ségur (1724-1801), whose military career covers the years from 1739 to 1787 (Paris, Plon, 398 pp.).

Professor Georg Jellinek, of Heidelberg, has published, under the title *Die Erklärung der Menschen- und Bürgerrechte* (Leipzig, Duncker und Humblot), a study of the origin of the Declaration of the Rights of Man voted by the French National Assembly on August 26, 1789. Its purpose is to show that the chief source of this declaration was not the Contrat Social of Rousseau, but the declarations of rights promulgated by Virginia and the other American States at the time of the Revolution; and to discuss the origins of the American bills of rights and the subsequent influence of them and of the French Declaration.

Professor F. A. Aulard has published the fifth volume of his *La Société des Jacobins*, covering the period from January, 1793, to March, 1794; and Vol. VIII. of his *Recueil des Actes du Comité de Salut Public*, 4 brumaire-6 frimaire an II. (Paris, Leroux, 775 pp.).

A documentary collection of great value for the history of an important episode in the French Revolution is being issued by M. Ch. L. Chassin. His three volumes entitled *Préparation de la Guerre de Vendée* are now followed by four volumes of a similar documentary character entitled *La Vendée Patriote* (Paris, Dupont). Three more volumes are promised, to cover the history of the conclusion of the Vendean troubles and to carry the narrative down to the Concordat.

The centenary of the Institute of France has called forth an illustrated work by the Comte de Franqueville, entitled *Le premier Siècle de l'Institut de France* (25 October, 1795-25 October, 1895). The first volume treats of the history and organization of the Institute and contains biographical and bibliographical notices of its members (Paris, Rothschild).

A work which promises to be indispensable to all thorough students of the Napoleonic period is the prodigious bibliography which Alberto Lumbroso is publishing under the title *Saggio di una Bibliografia ragionata per servire alla Storia dell' Epoca Napoleonica* (Rome, Modes e Mendel; Paris, Librairie Militaire). The first four numbers, covering the authors' names

from A to Bem, occupy 700 pages; the work is done with a carefulness corresponding to its comprehensiveness.

M. Ernest Daudet sets forth in excellent fashion a curious chapter in the history of the Napoleonic period in his *La Police et les Chouans sous le Consulat et l'Empire* (Paris, Plon).

M. Barthélemy-St. Hilaire, whose death at the age of ninety occurred on November 25, had just published (Paris, Hachette) three volumes entitled *Victor Cousin, sa Vie et sa Correspondance*, important for the history of political as well as literary affairs in the generation succeeding the Restoration.

The fourth and fifth volumes of the *Souvenirs du Baron de Barante* (Paris, Calmann-Lévy) cover the period from 1830 to 1837, and afford much interesting information concerning the external and internal policy of the government of Louis Philippe.

M. Pierre de la Gorce has published the first two volumes of an important *Histoire du Second Empire* (Paris, Plon). These two volumes bring the narrative down to the beginning of the Italian war.

Other important books upon the history of the Second Empire are, *La Vie Militaire du Général Ducrot d'après sa Correspondance* (two vols., Paris, Plon), conveying the memoirs of an intelligent aide-de-camp of Napoleon III., and M. Étienne Lamy's *Études sur le Second Empire* (Paris, Calmann-Lévy).

Count Benedetti's *Essais Diplomatiques* (Paris, Plon, 401 pp.) relate chiefly, as might be expected, to the origin of the war of 1870.

Commandant Rousset has published, under the special title *Les Armées de Province*, the fourth volume of his general history of the Franco-German war. This volume deals with the Army of the Loire. The fifth and sixth will give the history of the Armies of the North and East.

Noteworthy articles in periodicals: Allain, chanoine, *L'Eglise de Bordeaux au dernier Siècle du Moyen Age* (*Revue des Questions Historiques*, October; and *Dublin Review*, October); Calmette, *La Question du Roussillon sous Louis XI.* (*Annales du Midi*, October); A. Spont, *Les Galères Royales dans la Méditerranée, 1496-1518* (*Revue des Questions Historiques*, October); J. Loutchitsky, *De la petite Propriété en France avant la Révolution, et de la Vente des Biens Nationaux* (*Revue Historique*, September); H. M. Stephens, *The French Revolution: the Work of the Committees of Legislation and Public Instruction in the Convention* (*Yale Review*, November); H. Welschinger, *Le Directoire et le Concile National de 1797* (*Académie des Sciences Morales et Politiques, Compte-rendu*, August); *Memoirs of Barras* (*Edinburgh Review*, October); W. M. Sloane, *Life of Napoleon Bonaparte* (*The Century*, — January); *The French in Madagascar* (*Edinburgh Review*, October); H. Delbrück, *Das Geheimniss der napoleonischen Politik im Jahre 1870* (*Preussische Jahr-*

bücher, October); Duc de Broglie, *La Mission de M. de Gontaut à Berlin, 1872-1878* (Correspondant, July, August, October); Chesnelong, *La Tentative de Restauration Monarchique de 1873* (Correspondant, September); Cte. d'Haussonville, *Le Comte de Paris* (Revue des Deux Mondes, September 1).

ITALY, SPAIN, PORTUGAL.

The Italian Historical Congress was held at Rome in the latter part of September.

The *Revista Crítica de Historia y Literatura Españolas*, which began to appear last March, justifies its title as critical and its claim to public attention and respect. Attentive to Portuguese as well as to Spanish publications, it furnishes the student of Peninsular history with the best means he has yet had for keeping *au courant*. The new journal appears monthly; its office is at Madera Alta, 27, segundo, Madrid. It has no "body-articles," but begins, after the manner of the famous French journal of similar name, with reviews of books. Its contents, more largely historical than purely literary, embrace also bibliographies, especially of recent publications, a "Revista de Revistas," and news notes. It takes particular pains, and with great success, to keep its readers informed of all foreign publications concerning Spanish history. Señor Rafael Altamira, whose most recent book is reviewed upon another page, is the historical editor. Subscriptions are sent to Victoriano Suarez, 48 Preciados, Madrid.

The Real Academia de la Historia has published (Madrid, 91 pp.) a general index to the first twenty-five volumes of its *Boletín*.

A work which will be received with great interest, and which is expected to be published shortly, is a book by D. Ricardo Hinojosa, the fruit of personal researches at Rome, entitled *Matériaes para la Historia de España en el Archivo Secreto de la Santa Sede*.

Vol. CXI. of the *Colección de Documentos inéditos para la Historia de España* continues from September, 1572, to December, 1574, the correspondence of the German princes and the Spanish ambassadors at Vienna with Philip II.

A doctoral dissertation of unusual importance and value is that published by Dr. William F. Tilton, entitled *Die Katastrophe der spanischen Armada, 31 juli-8 august 1588* (Freiburg i. B., C. A. Wagner, 150 pp.), a most careful study of that great episode, based upon printed and manuscript original materials. His *Atlantic* article is noted under Great Britain.

The second volume of Diercks' *Geschichte Spaniens* has just appeared, carrying the work to the present time (Berlin, Siegfried Cronbach).

The Spanish government is publishing a complete edition of its treaties with foreign powers and other diplomatic documents of the period since Isabella II. The collection (*Colección de los Tratados*, etc., *con los Estados extranjeros*) is edited by the Marquis de la Vega de Armijo and the Duke de Tetuan, ministers of state. Vol. VI. has appeared.

A new volume of the *Portugalliae Monumenta Historica* is in the press.

Noteworthy articles in periodicals: P. Santini, *Studi sull' antica Costituzione del Comune di Firenze* (Archivio Storico Italiano, XVI. 1); H. C. Lea, *Die Inquisition von Toledo von 1575-1610* (Zeitschrift für Kirchengeschichte, XIV. 2); G. Rodriguez, *Hispaniae Schola Musica Sacra*, ed. Pedrell (Revista Crítica de Historia y Literatura Españolas, September); *Village Communities in Spain* (Quarterly Review, October); C. Roque da Costa, *Historias da Relações diplomaticas de Portugal no Oriente* (Boletim da Sociedade de Geographia de Lisboa, XIII. 12); Cte. du Hamel de Breuil, *Carvalho, marquis de Pombal* (Revue Historique, September).

GERMANY, AUSTRIA, SWITZERLAND.

Vol. XXXIX. of the *Allgemeine Deutsche Biographie* has appeared, covering the names from Tunner to de Vins.

A bibliography of the works of Reinhold Pauli, *Verzeichnis der von Reinhold Pauli verfassten Bücher, Aufsätze und Kritiken* (Halle, Karras), has been published by a former pupil of Pauli, Dr. F. Liebermann.

Professor Felix Dahn has published the third Abtheilung of Vol. VII. of his *Könige der Germanen*, continuing the study of the Merovingian period (Leipzig, Breitkopf und Härtel, 581 pp.).

A sixth and concluding volume of W. von Giesebrecht's *Geschichte der deutschen Kaiserzeit*, covering the last years of Frederick Barbarossa, has been edited from his manuscripts and published (Leipzig, Duncker und Humblot) by B. von Simson. The volume consists in about equal proportion of text and of notes to Vols. V. and VI. A portion of the text and the notes to Vol. V. were written by Giesebrecht; the rest is by Simson, whose part has been more than that of an editor.

In the new edition of the *Geschichtschreiber der deutschen Vorzeit* the latest issues (67, 68), both edited by Geo. Grandaure, are of Vincenz v. Gerlach, and of the Monk of Weingarten's history of the Welfs (Leipzig, Dyk, 170, 80 pp.).

In Vol. XVI. of the *Mittheilungen des Instituts für österreichische Geschichtsforschung* is printed a general review of the recent literature respecting the history of German municipalities, by K. Uhlirz.

In the series of *Chroniken der deutschen Städte*, published by the Historical Commission connected with the Bavarian Academy, the latest

issue (Vol. XXIV., Leipzig, S. Hirzel, clxxiv, 283 pp.) is the third volume of the *Chroniken der westfälischen und niederrheinischen Städte*, covering Soest and Duisburg.

The Historical Commission connected with the Vienna Academy has published the third and concluding volume of its *Venetianische Depeschen vom Kaiserhofe*, edited by Dr. Gust. Turba (Vienna, C. Gerold's Sohn, 778 pp.).

Dr. Onno Klopp has published (Paderborn, Schöningh) the first part (1628-1630) of Vol. III. of his *Der dreissigjährige Krieg bis zum Tode Gustav Adolfs*.

In the series dealing with the internal policy of the Great Elector appears a treatise by K. Breysig entitled *Geschichte der brandenburgischen Finanzen 1640-1697* (Leipzig, Duncker und Humblot), of which the first volume deals chiefly with the central organs of financial administration (xxxiv, 932 pp.).

Vol. XXII. of the *Politische Correspondenz Friedrichs des Grossen* has been published by the Prussian Academy (Berlin, Duncker, 637 pp.).

Professor Karl Biedermann is printing a fourth (popular) edition of his *Dreissig Jahre deutscher Geschichte 1840-1870*, with a continuation covering the ensuing twenty-five years, the first quarter-century of the new German Empire (Breslau, Schlesische Buchdruckerei).

Dr. Hans Blum's *Fürst Bismarck und seine Zeit* (Munich, C. H. Beck) has been completed by the issue of Vols. V. and VI. Dr. H. Ritter von Poschinger's *Fürst Bismarck und die Parlamentarier* (Breslau, E. Trewendt) is also completed, by the publication of a third volume, covering the years from 1879 to 1890.

Dr. Paul Schweizer has concluded his important *Geschichte der schweizerischen Neutralität* (Frauenfeld, Huber, 1032 pp.).

Noteworthy articles in periodicals: G. Kossinna, *Der Ursprung des Germanennamens* (Beiträge zur Geschichte der deutschen Sprache, XX.); H. Delbrück, *Der urgermanische Gau und Staat* (Preussische Jahrbücher, September); F. Kurze, *Ueber die karolingischen Reichsannalen von 741 bis 829 und ihre Uebearbeitung* (Neues Archiv, XX., XXI. 1); Hasenöhl, *Deutschlands südöstliche Marken im 10., 11., und 12. Jahrhundert* (Archiv für österreichische Geschichte, LXXXII. 2); K. Wenck, *Konrad von Gelnhausen und die Quellen der konziliaren Theorie* (Historische Zeitschrift, LXXVI. 1); E. Gothein, *Zur Geschichte der Rheinschiffahrt* (Westdeutsche Zeitschrift, XIV. 3); J. Müller, *Der Konflikt Kaiser Rudolfs II. mit den deutschen Reichsstädten* (Westdeutsche Zeitschrift, XIV. 3); M. Ritter, *Der Ursprung des Restitutionsediktes* (Historische Zeitschrift, LXXVI. 1); P. Bailieu, *König Friedrich Wilhelm II. und die Genesis des Friedens von Basel* (Historische Zeitschrift, LXXV. 2); P. Bigelow, *The German Struggle for Liberty* (Harper's Magazine, — January); Brief-

wechsel Leopold Ranke's mit Varnhagen von Ense [1827-1828] (*Deutsche Revue*, August, September); R. Reuss, *Heinrich von Sybel* (*Revue Historique*, November, p. 450); R. Oldenbourg and F. Meinecke, *H. von Sybel* (*Historische Zeitschrift*, LXXV. 3); J. I. Good, *The Antistes of Zurich* (*Presbyterian and Reformed Review*, October); W. B. Duffield, *The War of the Sonderbund* (*English Historical Review*, October).

NETHERLANDS AND BELGIUM

P. J. Blok reviews the recent historical literature concerning the Netherlands in the *Revue Historique*, September; A. Delescluse the Belgian, in the *Revue des Questions Historiques*, October.

M. Müller, archivist of the city of Utrecht, is preparing for publication a monumental collection of the documents contained in the archives of the city.

The Dutch government has published (The Hague, Nijhoff) a large volume containing the report of Mr. Brugmans on his systematic researches in the archives and libraries of England undertaken for historical purposes at the expense of the Dutch government. The volume contains an enormous amount of information concerning the relations between England and the Netherlands.

Vol. LII. of the memoirs of the Royal Academy of Belgium contains an important study (420 pp.) by P. Alexandre on the history of the Privy Council in the old Netherlands.

Professor Bussemaker, of Groningen, has published the first volume of an important work entitled *De Afscheiding der waelsche Gewesten van de Generale Unie* (Haarlem, Bohn), dealing with a turning-point in the history of the Dutch Republic and the Spanish Low Countries.

NORTHERN AND EASTERN EUROPE

The latest issue in the Saga Library (London, Quaritch) is the third volume of the *Heimskringla*, which is to be completed in four volumes.

Dr. Woldemar Buck has printed, as an appendix to the annual report of St. Anne's School, in St. Petersburg, for 1894-1895, an excellent dissertation on *Der deutsche Handel in Nowgorod bis zur Mitte des 14. Jahrhunderts* (St. Petersburg, R. Hoenniger, 90 pp.).

The *Revue Critique* (1895, No. 29) has a summary account of recent Hungarian works on the history of Hungary.

Noteworthy articles in periodicals: Dietrich Schäfer, *Zur Geschichte der Begründung der schwedisch-norwegischen Union* (*Historische Zeitschrift*, LXXV. 3); F. de Rocca, *Les Assemblées Politiques dans la Russie ancienne* (*Revue Historique*, November).

AMERICA.

The Congrès des Américanistes was this year held in the City of Mexico, October 15-20.

The Secretary of the Treasury proposes to obtain from Congress legislation authorizing him to get rid of a large part of the documents officially deemed useless which have been collecting for a century past in the archives of the government buildings throughout the country. With this object in view, he has sent out a circular to the various collectors of customs and of internal revenue requesting them to send him "a list of such record books, papers, and documents in your charge which, in your judgment, have no permanent value or historical interest," together with descriptions of the volumes and an approximate estimate of their weight.

Secretary Olney has directed that the copperplate made early in the century from the original Declaration of Independence shall be locked up in a fire-proof safe in the Department of State. The original Declaration, fading by reason of the process employed in making the copperplate, has been kept out of the light and air since February, 1894.

The Bureau of Rolls and Library in the Department of State has issued as a supplement to No. 4 of its *Bulletin* a full index to the Calendar of the Correspondence of James Madison.

The *Proceedings of the American Antiquarian Society*, Vol. X., Part 1, contains the papers read at the Boston meeting in April, 1895. Most important among these are those of Mr. S. S. Green on the Scotch-Irish in America; of Mr. Andrew McFarland Davis on the Law of Adultery and Ignominious Punishments, with especial reference to the penalty of wearing a letter permanently affixed to the clothing; of Mr. R. G. Thwaites on the Story of Chequamegon Bay; and of Mr. Lucien Carr on the Food of Certain American Indians and their Methods of preparing it.

No. 4 of the *Publications of the American Jewish Historical Society* consists entirely of the proceedings in the trial of Jorge de Almeida by the Inquisition of Mexico in 1607-1609, edited by Dr. Cyrus Adler.

In the series of *American History Leaflets* issued by Professors Hart and Channing of Harvard University (New York, A. Lovell and Co.) No. 21 contains the text of the Stamp Act.

This year's session of the Scotch-Irish Congress is to be held at Harrisburg, Penn., in May.

The *Nation* of October 17 and October 31, 1895, contains long, interesting, and valuable lists of manuscripts relating to the history of America which are preserved in the British Museum. The second list concerns more especially New England and Virginia.

Messrs. Burrows Brothers of Cleveland expect to begin this month the publication of a complete reprint of the famous and exceedingly rare *Jesuit Relations* respecting New France. The reprint will consist of some sixty volumes. The original text will be reproduced in fac-simile and will be accompanied page for page by a careful English translation, with notes, by Mrs. Jane Marsh Parker. The edition will be limited to 750 copies.

Mr. Andrew McF. Davis has reprinted from the Publications of the Colonial Society of Massachusetts a careful and valuable paper upon *Provincial Banks: Land and Silver*.

Mr. Frederick D. Stone, librarian of the Historical Society of Pennsylvania, has printed, in pamphlet form, *The Battle of Brandywine*, an address delivered in Birmingham meeting-house before the Pennsylvania Society of Sons of the Revolution, June 18, 1895.

Dr. W. E. Griffis' *Townsend Harris, First American Envoy in Japan* (Boston, Houghton, 351 pp.), giving the journal of Harris from August 1856 to August 1858, is a most important contribution to the history of the early relations between the United States and Japan.

The Military Historical Society of Massachusetts propose to publish, in a series of volumes, the papers which have been read at its meetings. The first volume issued, numbered Vol. X., is of a general nature, and is entitled *Critical Sketches of Some of the Federal and Confederate Commanders*. It contains articles by Mr. John C. Ropes on Beauregard, McClellan, Sherman, and Stuart; by Colonel Theodore A. Dodge on Grant; by General Francis A. Walker on Hancock; by General J. H. Wilson on Humphreys; and by Colonels Henry Stone and T. L. Livermore on Thomas; also a paper entitled "The War as we see it now," by Mr. Ropes (Houghton, Mifflin and Co.). The society have also issued enlarged and improved editions of their volumes (I. and II.) on the *Peninsular Campaign of General McClellan in 1862*, and on the *Virginia Campaign of 1862 under General Pope*.

Mr. Arthur Sinclair has published, under the title of *Two Years on the Alabama* (Boston, Lee and Shepard), a highly interesting narrative of his experiences as Confederate lieutenant on board that cruiser.

The October number of the *Collections and Proceedings of the Maine Historical Society* contains an article by Dr. Henry S. Burrage on Charter Rights of Massachusetts in Maine in the Early Part of the Eighteenth Century, and one by M. A. Safford on General William Whipple.

The New Hampshire Historical Society has received from Mr. Albert Langdon-Elwyn, of Philadelphia, a miscellaneous collection of the papers of Governor John Langdon, covering the period from 1761 to 1816.

The original manuscript of Bradford's *History of Plimoth Plantation* has been reproduced in photographic fac-simile, with an introduction by

Mr. John A. Doyle. The edition is limited; copies are for sale by Ward and Downing in London and by Houghton, Mifflin and Co. in Boston.

The Essex Institute has published, during the year 1895, besides three parts of its Bulletin and four parts of its Historical Collections, a special catalogue of books on China.

The Brookline (Mass.) Historical Publication Society has begun the issue of a series of small publications relating to local history.

Mr. Sidney S. Rider of Providence, R.I., proposes to issue, if enough subscriptions are obtained, a limited edition (one hundred copies) of a fac-simile reproduction of the manuscript Digest of 1705, the first Digest of the laws of the colony of Rhode Island.

The October number of the *Publications of the Rhode Island Historical Society* contains the beginning of a monograph by Henry C. Dorr on the Proprietors of Providence and their Controversies with the Freeholders, and a historical account of the papers of General Nathanael Greene, by J. F. Jameson.

The legislature of Connecticut at its last session ordered that copies of the following resolution be sent to all town clerks in the state: "Resolved by this assembly: That every town clerk in this state shall examine carefully the town records of his town, and make a true copy of all that relates to the Revolutionary War in such records, between the year 1774 and the year 1784 inclusive, preserving the original spelling and capitals, and the original form of the record as far as may be, giving the page and volume of the record, and shall certify that it is a true copy of the record, and mail the same to the state librarian at Hartford on or before January 1, 1896; and shall be paid therefor, by the state, at the rate of twenty-five cents per legal page. Where there is no such record the town clerk shall so certify."

The annual report of the Connecticut Historical Society contains a list of Connecticut local histories which are to be found in the Library of the Society and in the Watkinson Library.

Mr. Theodore Roosevelt's *New York*, published some years ago by Messrs. Longman and Co. in their series of *Historic Towns*, is now reissued with a postscript concerning the events of the past five years.

The historical documents preserved by the state of Pennsylvania at Harrisburg are now being arranged and classified. They are also to be carefully indexed. Dr. William H. Egle is preparing a considerable amount of documentary material for publication in the third series of the *Pennsylvania Archives*, and is reprinting his first series of *Pennsylvania Genealogies*.

Beside various matters of genealogical and local interest the October number of the *Virginia Magazine of History and Biography* contains an interesting statement of grievances by the inhabitants of Charles City

County, made in 1676 to the King's Commissioners, and a series of replies by Governor Gooch to inquiries made by the Lords of Trade. The date of the latter document and the place from which it has been obtained are not stated.

It is understood that in the disastrous fire which destroyed the chief building of the University of Virginia, no harm came to that portion of the manuscripts of Arthur Lee which were in the possession of the library of the University.

The October issue of the *William and Mary College Quarterly* contains an article by the editor, President L. G. Tyler, on Washington and his Neighbors and a variety of documents interesting to the student of Virginian history.

No. 1, Part 2, of Mr. Edward W. James's *Lower Norfolk County Virginia Antiquary* contains lists of slave-owners in Princess Anne County in 1850, and of owners and employers of slaves in the same county in 1860; also a document showing the naturalization of James Silk Buckingham in 1810.

The Cabells and their Kin, by Dr. Alexander Brown, author of *The Genesis of the United States*, has a historical as well as a biographical and genealogical importance (Boston, Houghton, Mifflin and Co.).

Dr. George W. Graham and Mr. Alexander Graham have printed at Charlotte, N.C., a revised and enlarged edition of their pamphlet entitled *Why North Carolinians believe in the Mecklenburg Declaration of Independence of May 20th, 1775*, which can be recommended as a fair and sensible presentation of its side of a much-disputed question.

The state of South Carolina makes progress in its scheme of publishing its Colonial records. Several volumes of transcripts from London archives have been received and are now being indexed in preparation for publication.

At Vanderbilt University, Nashville, Tenn., persons interested in the general study of Southern history in accordance with modern scientific ideas have formed an organization for that purpose called the Vanderbilt Historical Society.

The last biennial report of the Secretary of State of Louisiana contains a chronological list of the various officials of the territory and state.

The Louisiana Historical Society contemplates the issue of a more important publication than any it has heretofore maintained.

The Minnesota Historical Society, of which Mr. Warren Upham has lately become the secretary, has recently acquired a large collection of the correspondence and other papers of the late General H. H. Sibley, who had been identified with the history of Minnesota from its beginning. He came to Fort Snelling in 1834, and his letters from his subordinates

in the fur trade, from the early missionaries, from travellers and others, constitute by far the most important body of material on the affairs of Minnesota for the past sixty years. He was delegate of the territory in Congress, president of its constitutional convention, and the first governor of the state, and held a prominent position in its affairs down to the time of his death in 1891. During all this period he preserved his letters with great care.

The Nebraska State Historical Society is about to publish the manuscript records of the Nebraska Colonization Society of the fifties.

M. Philéas Gagnon has just published a large and important volume of Canadian bibliography. It is entitled *Essai de Bibliographie Canadienne* and contains an annotated list of the works relating to Canada (books, manuscripts, pamphlets, maps, plans, etc.) collected by M. Gagnon in the course of the past twenty years; some five thousand items are included. They are arranged in alphabetical order and are occasionally illustrated by fac-similes of title-pages and autographs.

P. Cappa continues his *Estudios sobre la Dominación española en América* with a section (Vol. XIII., Part 4, 349 pp.) on the fine arts, — painting, sculpture, music, and engraving.

The Chilean government has brought out (Santiago de Chile, 1895, 428 pp.) the sixth volume of its *Colección de Documentos inéditos para la Historia de Chile, 1518-1818*. It is edited by J. T. Medina, and is concerned with Almagro and his companions.

Noteworthy articles in periodicals (Period before 1607): W. J. Hoffman, *Fälschungen der amerikanischen Antiquitäten* (Globus, LXVII. 1); B. Moses, *The Early Political Organization of Mexico* (Yale Review, November);

(Colonial): J. Fiske, *The Starving Time in Old Virginia* (Atlantic Monthly, December); L. D. Scisco, *Rural Militia of the New Netherlands* (American Historical Register, November); G. Bonet-Maurry, *La Rochelle en Amérique* [New Rochelle] (Bulletin de la Société de l'Histoire du Protestantisme Français, July-September); Stelhorn, *Die lutherische Kirche in Nord-Amerika* (Neue Kirchliche Zeitschrift, 1895, 1, 4); René de Kerallain, *La Capitulation du fort Guillaume-Henri, 1757* (Revue Historique, November); W. H. Bailey, *The Regulators of North Carolina* (American Historical Register, November, December);

(Revolutionary, — 1789): C. W. Ernst, *Mail Service in the United States, 1773-1792* (L'Union Postale, November); L. B. Newcomb, *Songs and Ballads of the Revolution* (New England Magazine, December); W. C. Ford, *Defences of Philadelphia in 1777*, cont. (Pennsylvania Magazine of History and Biography, October); V. Timiriazev, on Paul Jones in the Black Sea (Istorich. Viestnik, July); W. S. Baker, *Washington after the Revolution [1784-1789]* (Pennsylvania Magazine of History and Biography, October); J. W. Burgess, *The Constitution*

of the United States (Chautauquan, October, January); W. C. Ford, *Letters of Elbridge Gerry* (New England Historical and Genealogical Register, October);

(Period from 1789 to 1861): W. P. Garrison, *In Lundy's Land* [Benjamin Lundy] (Pennsylvania Magazine of History, October);

(Period since 1861): S. J. Perry, *Appeals to Lincoln's Clemency* (The Century, December); E. B. Andrews, *John Sherman's Story of his Own Career* (Review of Reviews, December); E. G. Ross, *Political Leaders of the Reconstruction Era* (Forum, October); E. B. Andrews, *The Last Quarter-Century in the United States* (Scribner's Magazine, — January); Hon. J. W. Foster, *Results of the Bering Sea Arbitration* (North American Review, December).

The
American Historical Review

THE BATTLE OF BUNKER HILL

THERE is in Carlyle's *Life of Frederick the Great* an account of a curious conversation which took place in December, 1745, between Frederick and D'Arget, the secretary of Valori, the French ambassador at Berlin. It was at the close of the Second Silesian War, from which Frederick, then only thirty-three years of age, had emerged victorious, thenceforth to be till he died the leading figure in European political action. He was just entering on the eleven years of more or less broken peace which preceded the Seven Years' War. D'Arget, at the instance of Valori, had suggested some grand political combinations in which Frederick was to figure as the "Pacifcator of Europe." The King listened to him, and then replied: "It is too dangerous a part for playing. A reverse brings me to the verge of ruin: I know too well the mood I was in last time I left Berlin ever to expose myself to it again! If luck had been against me there, I saw myself a monarch without a throne; . . . A bad game that; . . . I am not in alarm about the Austrians. . . . They dread my army; the luck that I have. . . . I would not henceforth attack a cat except to defend myself." And so, says Carlyle, Frederick "seems to have little pride in his 'Five Victories'; or hides it well . . . and at times acknowledges, in a fine sincere way, the omnipotence of Luck in matters of War."¹

On the 14th of October, 1895, the centenary of the death of Colonel William Prescott, who commanded in the redoubt at Bunker Hill, was commemorated at Boston, and Dr. William Everett then delivered an address marked by a high order of eloquence and much reflection. A month later, on the 13th of November, there was unveiled at Hartford, Conn., a bronze statue

¹ Carlyle, *Frederick II.*, Book XVI., chap. i.

of Colonel Thomas Knowlton, of Ashford, the gallant officer who commanded the Connecticut troops which covered Prescott's left, and whose death a year later at Harlem Heights was not the least of the grievous losses sustained by the American army in the disastrous New York campaign of 1776. These events, and the addresses they called forth, revived the memory of two of the most interesting and important military operations in the struggle for American Independence, in both of which, also, "the omnipotence of Luck in matters of War" made itself felt in a way not to be overlooked.

And first of Bunker Hill. The affair of the 17th of June, 1775, on the peninsula of Charlestown, opposite Boston, affords, indeed, one of the most singular examples on record of what might be called the "balancing of blunders" between opposing sides, and of the accidental inuring of all those blunders to the advantage of one side. So far as the American, or what we call the patriot cause, was concerned, the operation ought to have resulted in irretrievable disaster, for on no correct military principle could it be defended; and yet, owing to the superior capacity for blundering of the British commanders, the movement was in its actual results a brilliant success; and, indeed, could hardly have been made more so had the Americans controlled for that occasion the movements of both sides, and so issued orders to their opponents. Looking over the accounts of that battle and examining the ground upon which it was fought, it is difficult to understand how the Americans could knowingly have put themselves in such an untenable position; much more how the British should so utterly have failed to take advantage of the mistakes of their inexperienced antagonists.

In 1775 Charlestown, including Breed's Hill, was a peninsula of limited size and hilly formation, connected with the mainland by a single narrow causeway, which was, at times of sufficiently high tide, itself overflowed. When, therefore, on the night of the 16th-17th of June, Colonel Prescott led his force across the causeway, and established it upon Breed's Hill, he put himself and those who followed him in a trap where, with an enemy having complete control of the sea, and so commanding his rear and both flanks, it was merely necessary to snap the door and hold him, utterly powerless either to escape or to resist. He had literally thrust his head into the Lion's mouth.

Consequently, when the guns of their ships woke up the British officers in Boston on the morning of the 17th of June, had there been any, even a moderate, degree of military capacity in their

commander, he would have ejaculated his fervent thanks to Heaven that his enemy had thus delivered himself into his hands ; and proceeded incontinently to "bag" him. To do this, it was only necessary for him to move a sufficient detachment round by water to the causeway connecting Charlestown with the mainland, seize it securely under cover of the fire of his ships and floating batteries, there establish himself, and quietly wait a few hours for the enemy to come down to surrender, or come out to be killed. To bring this result about he might not have been compelled to fire a single gun ; for his enemy had not even placed himself upon the summit of Bunker Hill, which overlooked and commanded Charlestown Neck, but had absolutely moved forward to the lower summit of Breed's Hill, between Bunker Hill and Boston, from which point, with a powerful and well-equipped enemy in undisputed control of the water, he would have been unable to escape and powerless to annoy. His position would have been much that of a rat when the door of a trap is securely sprung behind it. The only alternative to an ignominious surrender would have been a general engagement on open ground ; for, with his line of communication cut off, unable to advance, unable to retreat, and unable even to strike or worry his adversary, between whom and himself he had interposed Bunker Hill, the only course open to Prescott would have been the hurried abandonment of his redoubt ; and a scramble to get possession of the summit of Bunker Hill. Had he succeeded in doing that, the patriot army would still have been hopelessly cut in two, and mere starvation would within twenty-four hours have compelled the Americans to choose between surrender and an almost hopeless aggressive movement. In case of a general engagement, the patriots, a mere mob, must attack a well-armed and disciplined opponent, on ground of his own selection and protected by the guns of a fleet. Such an engagement, under the circumstances then existing, could, in all human probability, have had but one result. The patriot forces must have been routed and dispersed ; for, hardly more than a partially armed militia muster, they were without organization or discipline, only inadequately supplied with weapons, artillery, or munitions, and, except on Breed's Hill, unprotected even by field-works.

The untenable position into which the patriots had got themselves, and the course to pursue in dealing with them, were, from a military point of view, so obvious that, in the council of war that morning held in Boston, the proper military movement was at once urged, it is said, by a majority of the British officers with Clinton at their head. Instead of following it, a sufficient force of

British was sent across to Charlestown, landed directly in the face of their enemy, and proceeded to take the American intrenchments by assault; finally, after great loss, doing so, and absolutely driving the rat out of the trap, of which the British commander had left the door wide open.¹ A more singular exhibition of apparently unconscious temerity on one side, and professional military incapacity on the other, it would be difficult to imagine.

Under these circumstances, it becomes somewhat curious to consider the actuating causes of the operations on that day. Who was responsible for what occurred?

It is sometimes asserted that, so far as the Americans were concerned, their object was to force the fight with a view to firing the colonial heart, and that the result entirely justified the calculation. This may be true. Nevertheless, on the other side, it is apparent that, unless the American commanders calculated with absolute certainty upon the utter incapacity of their opponents, by the precise move then made they placed the cause which they had at heart in most imminent jeopardy, and came dangerously near quenching the so-called fire in the colonial heart in a sickening drench of irretrievable disaster; for if, instead of attacking the American line in front exactly at the point where it was prepared for attack and ready to resist, the British had operated by sea and land in their rear, it is difficult to see what could have saved the patriot cause from a complete collapse. If Colonel Prescott and his detachment had been obliged to surrender, and on the evening of June 17 had been ignominiously marched prisoners into Boston,

¹ As a matter of criticism from a military point of view, the facts and conclusions here set forth are so obvious that they must suggest themselves to any one on an examination of the maps, and much more if familiar with the ground. Yet in the extensive literature relating to Bunker Hill fight only here and there are passing references to be found. The subject is mentioned in an incidental sort of way, without apparent appreciation of the possible consequences involved, or the reflection implied upon those on either side responsible. Yet as long ago as August, 1789, Jeremy Belknap wrote: "I have lately been on the ground and surveyed it with my own eye, and I think it was a most hazardous and imprudent affair on both sides. Our people were extremely rash in taking so advanced a post without securing a retreat; and the British were equally rash in attacking them only in front, when they could so easily have taken them in the rear." (*Mass. Hist. Soc. Coll.*, Series V., Vol. III., p. 159.) Gordon in his history (Vol. II., p. 51) dwells upon it, using the correct phrase in the assertion that the British commander "might have entrapped the provincials by landing on the narrowest part of Charlestown Neck, under the fire of the float Frothingham scarcely all of experience, only refers p. 87), and Carrington's (most meagre possible *American Revolution*, V(

it would only have remained for Gage, by a vigorous movement next day from Charlestown in the direction of Cambridge, only two miles away, to have dispersed the now demoralized patriot army and made any further organized armed resistance practically impossible. Even numerically the forces were very nearly equal. Beside the ships of war, General Gage could muster 8000 effectives operating on interior lines; while, with a force nominally 16,000 strong, General Ward could probably never have put 10,000 men in action. A general engagement was the one result the British commander ought on every consideration to have sought to bring about; while the American officers knew perfectly well that for a general engagement they were prepared in no single respect. Yet the occupation of Bunker Hill by the patriot forces meant, if met by the British with any degree of military skill, an immediate general engagement. It is quite out of the question to suppose that those who assumed to guide the patriot operations could have measured this risk, and then knowingly taken it. There are limits to any amount of rashness, except that of ignorance.

While the course which should have been pursued by the British commander was apparent, the theory on which the patriots acted is, thus, more difficult to explain. The movement on the night of June 16 had been decided upon at a council of civilians and military officers held that day at Cambridge. More than a month before, a joint committee of the council of war and the committee of safety had, after careful consideration of the ground, recommended the construction of a strong redoubt on Bunker Hill. At the same time, however, provision was to be made for apparently a simultaneous occupation of Winter, Prospect, and Plowed Hills on the other, or land, side of Charlestown Neck. This plan of operations is intelligible. If, at the same time that Bunker Hill was occupied, Prospect, Winter, and Plowed Hills also had been occupied, the patriot army would have commanded Charlestown Neck, and, by preventing a landing there and driving away the floating batteries, could have kept communication open between their army and the advanced and isolated force in occupation of the heights on the Charlestown peninsula. To do this successfully implied, it is true, the control of a body of artillery and munitions far in excess of what the provincial force had; but still, from a military point of view, the plan was well conceived, and, if successfully carried out, would have compelled an immediate evacuation of Boston by the British.

But, had this line of operation been pursued, it would have been quite needless to occupy Breed's Hill at the outset; seeing

that Breed's Hill was immediately in front of Bunker Hill and thirty-five feet lower, so that artillery posted on Bunker Hill commanded it completely. It could accordingly have been occupied at any time when a force in firm possession of Bunker Hill was ready to advance and take it.

If such was the general plan of operations under which Colonel Prescott's movement of the 16th of June was ordered, the next question is, — Who was responsible for its partial execution, and consequent failure? Its success involved two things: first, the seizing of Bunker Hill; and, secondly, and at the same time, the erection of works upon Prospect, Winter, and Plowed Hills, or the high ground at the base of those hills commanding Charles-town Neck and the adjacent water. It is impossible to ascertain conclusively whether any one was then in command of the left wing of the provincial army. If any one, it was Putnam. At the council of war he had strenuously advocated the forward movement to Bunker Hill; and, it is said, the same evening discussed with Knowlton, at the quarters of the latter, the reasons and details of the step. Knowlton was a natural soldier, and he at once, the same authority asserts, pointed out to the far from clear-headed Connecticut farmer metamorphosed into a general, that, if the proposed move was made, the enemy under cover of his floating batteries could land troops at the Neck, cutting off both reinforcements and retreat; that the approaches and flanks of the position could be enfiladed from the shipping; and, finally, that Gage could, by a judicious disposal of the land and naval forces at his command, compel the American force on the peninsula to surrender from mere starvation.¹

This excellent advice, if really given, seems to have been thrown away on Putnam, who during the following day was most active in all parts of the field, and seems to have been recognized in a way as the general officer in command of the entire field of operations, while unquestionably Colonel Prescott was in immediate charge of the detachment on Bunker Hill. He occupied the position of a brigadier-general whose command was in action; while Putnam held, in vague unmilitary fashion, the position of chief of the grand division of which Prescott's command for the time being was a part. Certainly, on the night succeeding the engagement, General Putnam was active in holding and fortifying Prospect Hill, and was then practically recognized as in a sort of irresponsible command of the left wing of Ward's army. If, therefore, any one was to blame for the failure to carry out that essential

¹ Historical Address of P. Henry Woodward at the Knowlton Ceremonial, p. 20.

part of the original plan of operations which included the fortification of the ground commanding Charlestown Neck from the land side, it was Putnam.

But the truth probably is that no one was responsible. The lack of organization in the patriot army was then such that no distinctive and recognized officer was in charge of the left wing. Prescott had his orders direct from the headquarters at Cambridge; and the other officers with separate New Hampshire or Connecticut commands seem throughout what took place to have taken orders, or declined to take them, pretty much as they saw fit.

It is, however, useless to venture surmises on this head. The essential fact is that Prescott was ordered to march across Charlestown Neck and to occupy Bunker Hill; and did so, leaving his rear wholly unprotected. After that, on his own responsibility, he exposed himself to great additional risk by advancing from the summit of Bunker Hill, from which he overlooked both Breed's Hill in his front, and his single line of retreat across Charlestown Neck in his rear, to the lower summit before him, at which point he was helplessly in the trap, unless his opponent, by coming at him in front, drove him bodily out of the hole in which he had put himself. His opponent did just that!

It was well for the patriot cause that both Gage and Howe outranked Clinton that day. When, in the morning, with the eye of a soldier, Clinton urged Gage to pay no attention to the patriot front, but to seize the causeway in its rear, Gage seems to have replied that to do so was not in accordance with correct military principles, as, by such a movement, his force engaged might be placed between two divisions of the enemy. In other words, the movement suggested might bring on the very thing he should most have sought to bring on,—a general engagement under cover of his ships. But this was not his real reason for acting as he did. Gage was, in fact, that not uncommon type of soldier familiarly known in military parlance as a "butt-head." As such, he, as a matter of course, fell into the dangerous error of underestimating his opponent; and, while he could urge an abstractly correct military principle, he had not the capacity to judge whether it had any application to the facts before him. So much for laboring with Gage in the morning.

But Clinton on that occasion seems to have had a hard day of it. Having failed to inspire Gage with a certain degree of intelligence in the early hours of the day, he, in its later hours, tried his hand on Howe. When, at last, about four o'clock of the long June afternoon, with several hours of daylight still before him,

Howe stormed the redoubt and drove Prescott's little force out of it and in pell-mell flight over Bunker Hill and across the causeway to the hills beyond, Clinton, again with the eye of a soldier to the situation, urged his superior in command to follow up his advantage, cross the causeway, and, then and there, smite and spare not.

The thing was perfectly practicable. The confusion in the patriot ranks was complete. In vain had Putnam tried to hold his own men, and rally the fugitives from the redoubt, in the partially finished works on Bunker Hill. He had been simply swept away in the panic rout. On the land side of Charlestown Neck the patriots had no works thrown up behind which they might hope to rally. Cambridge and headquarters were only two miles away. They had challenged the blow; and the blow was impending. Fortunately for the patriots and the patriot cause, Howe, and not Clinton, was now in immediate command of the king's troops. Howe, though personally brave, was as incompetent as Gage, and, if possible, a little slower; and so he wholly failed to grasp the opportunity which Clinton saw and pointed out to him.

The singular thing, however, in all these operations, as already pointed out, is that, from beginning to end, if the patriot army had been commanded by a military genius of the highest order, and gifted with absolute prescience, — having, moreover, the power to issue commands to both sides, — he could not, so far as the Americans were concerned, have bettered the course of events. The whole purpose of the move was to forestall the proposed operations of the British, who planned on the 18th, only a day later, to occupy Bunker Hill and Dorchester Heights, preliminary to an advance on the patriot lines at Cambridge. It was intended to draw their fire. If, in doing this, Prescott had, in obedience to his orders, and as technically he unquestionably should have done, contented himself with seizing Bunker Hill and there intrenching, it can hardly be questioned that the British would then have landed on Charlestown Neck, immediately in his rear, and forced him to retreat precipitately as the alternative to surrender. His very reckless audacity in moving forward to Breed's Hill led to their attacking him squarely in front.

Had Prescott directed the assaulting column, he would have ordered it to do just that. But his good fortune did not stop here. Twice he repulsed the attacking force, inflicting terrible loss upon it; and this is his great claim for credit on that memorable day. Prescott was evidently a fighter. He showed this by his forward midnight move from Bunker to Breed's Hill; and he showed it

still more by the way in which he kept a levy of raw ploughmen steady there during the trying hours that preceded conflict ; and then, in face of the advancing line of regulars, made them hold their fire until he gave the word. This was superb, — it deserves unstinted praise. Again the luck of the Americans soared in the ascendant. Under the exact conditions in which they then found themselves, they had chanced on the right man in the right place, — and it was one chance in a thousand.

And then followed yet more good luck, — indeed, a crowning stroke. Twice did Prescott repulse his enemy. Had he done so a third time, he would have won a victory, held his position, and, the next day, in all human probability, the force which relieved him would have been compelled to surrender, because of properly conducted operations in its rear under cover of the British fleet. For it is impossible to suppose that Clinton's advice would not then have been followed ; and had it been followed, with Clinton in charge of operations in the field, a result not unusual in warfare would no doubt have been witnessed, — the temporary and partial success of one day would have been converted into the irretrievable disaster of the succeeding day. It was so with Napoleon himself at Ligny and Waterloo.

Fortunately for Prescott and the patriot cause, the ammunition within the Bunker Hill redoubt was pretty much consumed before the third assault was made ; and so his adversaries drove the patriot commander out of his trap and into the arms of his own friends. In spite of himself Prescott was saved from ultimate disaster. Yet, curiously enough, he does not even then seem to have realized his luck ; for, instead of going back to the headquarters of General Ward, as well he might have gone, in a towering rage over the incompetence which had put him and his command in such a position, without reason or support, — a position from which he had escaped only by a chance in a thousand ; — in place of taking this view of the matter, he actually offered, if a fresh force of 1500 were put under his command, to recross Charlestown Neck and recapture Bunker Hill the next day, — in other words, to go back into the trap from which the stupidity of his opponents had forcibly driven him !

The original plan of operations matured by the Cambridge council, including as it did the simultaneous occupation of both Prospect and Bunker Hills, was, therefore, bold, well-conceived, calculated to produce the results desired, and entirely practicable ; assuming always that the patriot army had the necessary artillery and ammunition to equip and defend the works it was proposed

to construct. Such was not the case ; but, doubtless, under the circumstances, something had to be risked.

This plan, thoroughly good as a mere plan, was, however, executed in part only, and in such a way as to expose the provincial army and cause to disaster of the worst kind. And yet, through the chances of war, — the pure luck of the patriots, — every oversight of which they were guilty, every blunder they committed, worked to their advantage, and contributed to the success of their operations ! They completely drew the British fire and forestalled the contemplated offensive operations, throwing the enemy on the defensive ; they inspired the American militia with confidence in themselves, filling them with an aggressive spirit ; they fired the continental ardor ; and, finally, the force engaged was extricated from a false and impossible position, after inflicting severe punishment on their opponents. For that particular occasion and under the circumstances, Cromwell or Frederick or Napoleon in command would probably have accomplished less ; for, with the means at disposal, they never would have dared to take such risks, nor would they ever have thrust themselves into such an utterly untenable position.

To penetrate the mind and plan of an opponent, — to pluck out the heart of his counsel and to make dispositions accordingly, — has ever been dwelt upon as one of the chief attributes of the highest military genius ; — Hannibal, Cæsar, Gustavus, Marlborough, Frederick, Napoleon, all possessed it in a noticeable degree. Possibly, General Ward and Colonel Prescott may instinctively have acted in obedience to this rarest military quality on the 16th and 17th of June, 1775. If so, they certainly developed a capacity for which the world has not since given them credit ; and the immediate results justified to the fullest extent their apparently almost child-like reliance on the combined professional incapacity and British bull-headedness of General Thomas Gage. Fourteen months later, as will hereafter be seen, Ward's more famous successor got himself and his army into a position on Long Island scarcely less false and difficult than Prescott's at Bunker Hill.¹ He, also, was then saved from irretrievable disaster through sheer good luck, happily combined with his opponent's incompetence. In this case, however, Fortune did not, as at Bunker Hill, positively shower its favors on the patriot cause.

Yet in one respect the battle of Bunker Hill was, in reality, epochal. Prescott did not occupy Breed's Hill and begin to throw up his intrenchments until nearly midnight on the 16th—17th of

¹ *Narrative and Critical History of America*, Vol. VI., p. 290.

June. Thus his men had but about four hours in which to work before the break of day disclosed their whereabouts. Yet when, less than twelve hours later, the British stormed the field-works, they were amazed at their extent and completeness, and could not believe that they had all been thrown up in a single summer's night. It was something new in warfare.

There can be few things more instructive and suggestive, from a military point of view, than a visit to the battle-fields of Waterloo and Sedan, passing rapidly from the former to the latter. To one whose impressions of active warfare and military field methods are drawn from campaigns in Virginia, now thirty years ago, it is not easy, while surveying the scenes of the battles of 1815 and 1870, to understand what the English in the one case and the French in the other were doing in the hours which preceded the engagements. In the Virginia campaigns nothing was of more ordinary observation than the strength and perfect character of the intrenchments which both armies habitually threw up. Such skill in the alignment and construction of these works did the common rank and file of the armies acquire, that a few hours always sufficed to transform an ordinary bivouac into a well-protected camp. In the case of Waterloo, the Duke of Wellington had days and even weeks before selected it as his battle-ground; he had even caused a topographical survey to be made of it; he arrived there from Quatre Bras twenty hours before the battle of Waterloo began; he made all his dispositions at his leisure. Yet not a spadeful of dirt seems to have been thrown; and the next day, while his line was exposed to the fury of Napoleon's famous artillery, the French cavalry rode unobstructed in and out among the English squares.

It seems to have been the same, more than half a century later, at Sedan. Strategically, the French were there in almost as false a position as the Americans at Bunker Hill. They were in a hole, — rats in a trap. Tactically, their position was by no means bad. The ancient fortifications of Sedan secured and covered their centre; while their two wings were free to operate on the high grounds behind, sloping sharply to the river. They occupied the inside of a curve, with perfect facilities for the concentration of force by interior lines. A better opportunity, so far as the character of the ground and country was concerned, for the rapid throwing up of intrenchments and field-works could not have been desired. As at Waterloo, the facilities were everywhere. McMahon's army, when surprised and cornered in Sedan, was, it is true, on its march to Metz, and all was in confusion. But they

had twelve hours' notice of what was impending, and they fought on the ground on which they had slept. Yet, again, not a spadeful of dirt seems to have been thrown. What were the French thinking of or doing all those hours?

Judging by the record of Bunker Hill, and recollections of what was habitually done ninety years later in Virginia, if an army of either Federals or Confederates, as developed in 1865, had held the ground of the British at Waterloo or the French at Sedan, the lines and intrenchments which on the days of battle would have confronted Napoleon and Von Moltke could hardly have failed to give them pause. Before those temporary works they would have seen their advancing columns melt away, as did Gage at Bunker Hill, Pakenham at New Orleans, and Lee at Gettysburg.

The simple fact seems to have been, that, until the modern magazine gun made it an absolute necessity, digging was never considered a part of the soldier's training. Indeed, it was looked upon as demoralizing. In the same way, the art of designing temporary field-works and camp intrenchments was not regarded as belonging to the regimental officer's functions. The famous lines of Torres Vedras showed that Wellington knew well how to avail himself of defensive works; but they were laid out on a large scale and on scientific principles. Mere temporary field-works and improvised protections seem to have been contemptuously looked down upon as a branch of irregular warfare or Indian fighting. It was something unprofessional, and which savored of cowardice. Often, during the Confederate rebellion, old West Point graduates, high in rank, but somewhat hide-bound, might be heard lamenting in the same spirit over the ever-growing tendency of the armies to protect themselves by intrenchments wherever they camped. It made soldiers cowardly. As the military martinets expressed it, they wanted the rank and file to be made "to stand up and fight, man-fashion." How often, in the olden days, was that expression used! Yet their idea of fighting was apparently that of Wellington at Waterloo, and of McMahon at Sedan. At either of those places our veterans of 1865, Federals or Confederates, would have protected themselves with field-works, though only bayonets were to be had for picks, and tin dippers for shovels.

Putnam, therefore, showed a very profound insight when, on the eve of Bunker Hill, he remarked that, as a soldier, the Yankee was peculiar. He didn't seem to care much, the Connecticut general said, about his head, but he was dreadfully afraid of his shins; cover him half-leg high, and you could depend on him to

fight. The fact seems to be that, as a fighting animal, the Yankee is unquestionably observant. Breastworks are in battle handy to the assailed; and he saw at once that breastworks admit of rapid and easy construction to men accustomed to the use of shovel and pick. Prescott taught that lesson on the 17th of June, 1775. He did not realize it, and apparently it took almost a century for the professional soldier to master the fact thoroughly; but those light, temporary earthworks scientifically thrown up on Bunker Hill in the closing hours of a single June night introduced a new element into the defensive tactics of the battle-field. Its final demonstration was at Plevna, a whole century later.

CHARLES FRANCIS ADAMS.

THE BOHUN¹ WILLS

MANY a place in France has given its name to an English family of distinction ; it was left to a town² in the northwest of Normandy, in the arrondissement of St. Lo, to give its name to a family which flourished in England for three hundred years, and not merely flourished, but proved its capacity for leadership by steadily stretching to the front when matched with all the baronage of the kingdom, until at last it reached a stage from which it disappeared in royalty itself. Other houses have surpassed it at times ; few have equalled it in long-sustained eminence and power ; few, if any, have had so great a part in the making of England.

Humphrey de Bohun, 'with the beard,'³ a kinsman of the Conqueror,⁴ and with him on the field of Senlac, received, it is true, but scant reward for his services, the single lordship of Taterford in Norfolk.⁵ But he was already getting on in years, and infirmity may have prevented him from performing vigorous service. Wace, the *trouveur*, calls him

'de Bohon le vieil Onfrei,'

and that is the only stated fact on which a reason for the smallness

¹ Probably pronounced 'Boon.' The 'h' is often omitted in early times, thus 'Boon,' 'Boun,' 'Bown,' and 'Buun.' See also Addison, *Spectator*, No. 60. But the family spelling was 'Bohun.' See, besides the wills, the facsimile seal, *post*, p. 426. The name should not be confounded with 'Bowen' (= 'ap Owen').

² Of two villages and parishes lying near together and distinguished by the names of their parish saints, St. George de Bohon and St. André de Bohon.

³ At the time of the Conquest the Normans generally shaved off the beard. Those who did not were accordingly marked men, so much so that 'with the beard' was fairly part of the name. The Bayeux tapestry shows that the back of the head as well as the face was shaved. Wace tells us that one of Harold's spies reported William's soldiers an army of priests; they could chant masses, for all were shaven and shorn, not even having moustaches left; chap. xiv. *sub fin.*; Taylor, p. 147. But the fashion changed soon after the Conquest, and the Conqueror himself is represented in a drawing in a MS. of William, Abbot of Jumièges, as wearing a short beard and moustache. A copy of the drawing is given in Fairholt's *Costume in England*, I. 68, 3d ed. See also the first cut in Sandford's *Genealogical History*, the seal of the Conqueror.

⁴ 'Dominus Humfredus de Bohun, cum barba, qui prius venit cum Willielmo Conquestore in Angliam de Normannia, cognatus dicti Conquestoris,' etc. *Chron. Lanthony, Monasticon*, VI. 134.

⁵ *Doomsday*, II. 262. Under Rufus, however, he held an extensive barony in Wiltshire. Stapleton's *Norman Exchequer*, II. xxiii.; *Doomsday for Norfolk*, Munford, 50.

of the gift can be based.¹ Whatever the reason for this, honors were to fall to his son; Humphrey the Second became Humphrey the Great. He enjoyed the Red King's favor; more than that, the king's 'wish and command' gave him the hand of a lady of great wealth as well as of rank, Maud, the only daughter of Edmund of Salisbury.² That alliance laid the foundation of what came to be perhaps the greatest fortune in the peerage of England.³ It was the first of a series of brilliant alliances, which, after adding fortune to fortune, brought in marriage with the head of the house, at the beginning of the fourteenth century, a daughter of the greatest of the Plantagenet kings, and before the century was yet old made one daughter of the Bohuns the wife of a brother of the Black Prince, and another the mother of King Henry the Fifth. Humphrey de Bohun, fourth Earl of Hereford and third Earl of Essex of the name, 'the most distinguished nobleman in the kingdom,'⁴ married Elizabeth, daughter of Edward the First;⁵ Eleanor de Bohun, elder of the daughters, and, in default of sons, co-heiress of the last of the Bohun earls and the only one to become possessed of the three earldoms of Hereford, Essex, and Northampton,⁶ became the wife

¹ Many other tenants in chief received no more. Wace expressly states that 'the old Humphrey' was in the fight at Senlac, or Hastings as it is commonly called. It is fair to surmise that the Conqueror's preferences were not capricious—that it was safe and desirable to bestow manors upon some by the hundreds, while to withhold from others, whether because of their power and ability, or of their weakness, was but the part of prudence.

² *Chron. Lanthony*. The chronicler also says: 'Cum qua Matilda [*i.e.* Maud] pater suus donavit dicto Humfrido in liberum maritagium omnia terras et tenementa sua quae fuerunt ex perquisitione dicti Edwardi, viz. Weston juxta Salesbury, et Walton, Newenton, Piryton, Stauntone, Trobege, et unum messuagium in Salesbury juxta portam orientalem, et advocationem ecclesiae S. Crucis.'

³ The Duchess of Cleveland has told the story, in a picturesque way, of several of these alliances. *Roll of Battle Abbey*, I. 72. The main authority is the *Chron. of Lanthony*, though Dugdale's *Baronage* is almost the only one cited.

⁴ This is a quotation by the Duchess of Cleveland (*Roll of Battle Abbey*, I. 74), apparently from the notes of Nicolas to his edition of the Anglo-French poem, *The Siege of Carleaverock* (1300), p. 119. The actual words of Nicolas are: 'By birth, titles, possessions, and alliance, this nobleman was perhaps the most distinguished of his age.'

⁵ She was the young widow of John, Earl of Holland. Now, at her second marriage, five years after the first, she was but nineteen. The mothers of Bohun and the princess were cousins, and King Edward himself procured a dispensation from the Pope for the marriage. The dispensation recites that the king desired it that the marriage might 'allay and blot from remembrance' the discords and dissensions which had grown out of the resistance to the king, in 1297 (referred to in a later note), of Bohun's father, the late earl. The Pope added the hope that, in this alliance, the evils would be 'pulled up by the roots.' *Fœdera*, I. part iv. 17.

⁶ Humphrey, who died in 1373. His will is in the collection, *post*. He was son and heir of William de Bohun, Earl of Northampton. William had been a distinguished commander of long service in the French and Scotch wars of Edward the Third. Cousin

of Thomas of Woodstock, Duke of Gloucester, the youngest son of Edward the Third, and himself too near a king for the happiness of Richard the Second, his nephew;¹ Mary de Bohun, the younger sister, was married to Henry Bolingbroke, afterwards King Henry the Fourth, though she did not live to see the day.²

The great military office of Constable of England — Blackstone and other writers think to magnify the post by calling the incumbent Lord High Constable of England — was hereditary with the Earls of Hereford, and never but once³ passed out of their hands; for the appointment of Thomas de Berkeley in the summer of 1297, on the refusal of Bohun as constable (and of Roger Bigot as marshal) to execute the king's mandate in aid of his wars in Flanders and in Gascony, was only a makeshift for the occasion. The king did not, however disposed, deprive Bohun of his office — an office which of course Bohun, and all the rest who held it, held of the Crown;⁴ he merely put Berkeley in his place to serve in an expedition which Bohun refused to join. The patriot Earl of Hereford remained Constable of England all the time,⁵ and a few

to the king and throughout close to him in counsel, he had been created Earl of Northampton in 1337, when the Black Prince was made Duke (the first creation of that title in England) of Cornwall; in 1345 he was made Captain-general and regent (the king's *locum tenens*) for overcoming revolt in Brittany, representing his own king as King of France. For his commission, see *Fadera*, II. part iv. 175. He held many other important commissions and posts of peculiar trust under the king. His son Humphrey succeeded him as Earl of Northampton in 1360, and a year later succeeded also his bachelor uncle — whose will appears *post* — as Earl of Hereford and Essex. Father and uncle were sons of the Humphrey who had married the Princess Elizabeth; two sons of that marriage being earls at the same time.

¹ Thomas of Woodstock had put himself at the head of a regency in 1386, which lasted for three years and made him virtual king for the time. It was at that time, and probably because of the regency, that Chaucer lost his lucrative posts of Comptroller of Wool and Comptroller of Petty Customs. Chaucer's patron, John of Gaunt, brother of Thomas of Woodstock, was now in Spain; he returned in 1389, and the old order being restored, Chaucer received the office of Clerk of the King's Works, with a moderate salary. See Skeat's *Student's Chaucer*, Introduction.

² Eleanor barely lived to see her sister's husband dethrone and take the place of the (instigating) murderer of her own husband. It must have lighted up for a moment the gloom of a bitter widowhood, despite the later attitude of Henry Bolingbroke towards her husband. The reader will note the pathetic euphemism in Eleanor's will, the last of the series, *post*, in the reference to the last 'sickness' of her husband.

The Duchess of Cleveland makes a slip — who is exempt in such matters? — in saying that Mary became queen.

³ See *Rot. Pat.* 5 Edw. II. 1, m. 19, cited in Dugdale's *Baronage*, I. 183, where *restitution* of the constabship to the Earl of Hereford is mentioned. It was a mere temporary matter, whatever the occasion.

⁴ *Fadera*, III. part iii. 52. It is noticeable that the king's threats of forfeiture went only 'as far as he had power' to declare forfeiture, in many of the cases in the *Fadera*.

⁵ Both Bohun and Bigot are directly afterwards described by their title, as if nothing

months later was again in active office with the king, leading his forces to victory over Wallace at Falkirk.

The earldom of Hereford, with the baronies of Brecknock and other regions west of the Severn, made the Bohuns also earls of the marches 'in the parts of Wales.' There, as Lords Marchers, they had their own palatine courts, officers, and process; there they could and did say, 'No writ of the king runs here.'¹ In fact they performed the functions pertaining to the title, not in use in England until 1385, of marquis,² for the marquisate was but an earldom of the march, in origin and etymology.

But the Bohuns have other title to fame than wealth, and splendid alliances, and posts of honor not for other men. In nearly every great event of their day in the political and constitutional history of England the family bore a conspicuous and worthy part. Henry de Bohun, first Earl of Hereford (properly) of the Bohun name, to begin no earlier, was one of the seven earls elected guardians of Magna Charta (1215); he was then but forty years of age.³ Humphrey de Bohun, his son, the second earl, acted a spirited part in the unsuccessful attempt to compel King Henry, on coming of age in 1227, to renew Magna Charta and the Charter of the Forest, and was one of the most active leaders against foreign favorites at court before, and in bringing to pass and administering, the Provisions of Oxford (1258);⁴ meantime gaining

had happened; and that not merely by themselves and their adherents, but by the Prince of Wales as regent, in letters patent of October 10, 1297 (*Parl. Writs*, I. 61), and shortly afterwards by the king. 'Remittimus,' the king is made to say in the bill of complaint sent to him and agreed to, 'Humfrido de Bohun, Comiti Herefordiae et Estsexiae, Constabulario Angliae, et Rogero Bigot, Comiti Northfolciae, Marescallo Angliae, rancorem nostrum,' etc. Walsingham, in Camden, 73. See also the king's formal pardon of the earls' disobedience, November 5, 1297, in Blackstone's *Tracts*, 342, note; also a writ addressed to Roger Bigot, Earl of Norfolk and 'Marshal of England,' September 9, 1297, before the king had crossed to Flanders.

The constablership was, however, twice transferred to a younger member of the family, by reason of bodily infirmity in the Earl of Hereford; once, in 1275, to the coming heir, and again, in 1338, for life, to William, Earl of Northampton, brother of the incumbent. Once or twice the office was, for convenience, deputed temporarily to another member of the family, as in 1282, when the earl was in Wales.

¹ *Rot. Parl.* II. 90 (1335). Here the Earl of Hereford and others complained of infringement of franchise by the king's officers, and made out a presumptive case. Humphrey de Bohun, son-in-law of Edward the First, was also made joint warden of the marches towards Scotland in 1309.

² Robert de Vere, Earl of Oxford, was the first English marquis, created such in the year 1385, twelve years after the death of the last Earl of Hereford.

³ He entered the crusades in 1220, and died June 1 of that year on his way to the Holy Land.

⁴ *Matt. Paris*, anno 1259 (III. 326, Giles), where Bohun upbraids the Earl of Gloucester for faithlessness to the Provisions, may be noticed.

the name of the Good Earl for his sturdy opposition to the misrule of the king.¹ Humphrey de Bohun, the third earl,² grandson of the last named, together with Roger Bigot, Earl of Norfolk and Marshal of England, resisted arbitrary taxation in 1297 — on the 7th of July — with unequalled courage and success, against the masterful will of Edward the First, and won the distinction of compelling the royal assent to certain strenuous additions to Magna Charta, which breathed life for all time into the dead letter of the Charter against taxation without consent of the tax-payer.³ The next Humphrey, the fourth earl, son of the third and to become son-in-law of Edward the First, was one of the twenty-one Lords Ordainers of Reform 'of the king's house and kingdom,' under the drastic ordinances of 1310 and 1311; who, after doing his part, with the Earls of Lancaster and Warwick, in putting an end to the career of the king's mischievous favorite, Gavaston of the biting tongue, fell in battle at Boroughbridge, March 16, 1322, in the determined uprising to rid the kingdom of the intolerable arrogance

¹ He was present also in Westminster Hall in 1253, when the curse was denounced with bell, book, and candle against all violators of the Great Charter. Matt. Paris, anno 1253; Dugdale's *Baronage*, I. 180. He was heartily with Simon de Montfort throughout the great struggle for better government, until the very last, when he was induced by the coming king, Prince Edward, with many others, to believe that with him their cause would be gained, as indeed it was. In consequence the earl and his eldest son, Humphrey, Junior, were on opposite sides at Lewes (1264) and at Evesham (1265). The earl died in 1275, of old age.

² His father, Humphrey, Junior, just mentioned, was one of the patriots in the same troubles. He was a commander of the foot at Lewes and at Evesham, but was taken prisoner at Evesham and died in custody in Beeston castle a few weeks later, in the lifetime of his father, the Good Earl. He is represented as a spirited leader; but it has been stated that at Evesham he 'withdrew.' Dugdale's *Baronage*, I. 181. Probably Evesham is confused with Lewes, where the Earl of Warren and Hugh Bigot 'withdrew.' There is nothing in Hemingburgh, I. 323-325, copied by Knyghton in Twysden, 2453, about any withdrawal by Bohun.

³ After Runnemedé, there is no more memorable page in English history than that which tells of the conduct of the two earls in that great affair. In a stormy scene in which the king vainly threatened hanging, Bohun and Bigot both refused to lead their men to the foreign wars. Both flatly refused to exercise their offices in enforcing the king's mandate for enrolment of horse for the wars, sending a letter to the king, by night, in language cold and haughty, such as no one else would have dared. 'Chere Sire,' they begin, and then, after reciting the royal mandate, proceed, 'Vous prirent vostre Conestable e vostre Mareschal qe cestre chose voussisiez commaunder a autre de vostre hostel.' *Federa*, I. part iii. 185. The king called a council, and, as the result, appointed Berkeley and Gyneville in place of Bohun and Bigot. The refusal of the earls was based upon the king's arbitrary measures of raising supplies.

The king now set out from London with such following as he could obtain, and after tarrying for some weeks at Winchelsea, sailed in October for Flanders, having left the young Prince of Wales in London as regent. Meantime the Scots had arisen under Wallace and were now harrying the north; the Council in alarm asked the prince to send for Bohun and Bigot, which was done. The earls returned — with 1500 horse and a

of the later Despencers.¹ He was then about forty-six years of age.²

Surely, the great traditions of this princely family were well sustained.

Surely, too, the private no less than the public life of such a family is worth rescuing from oblivion. Indeed, a double interest arises in such a case, a desire to know as much as possible of the individuals themselves on their own account, and a desire to know through them the manner of life in general of men who had the shaping of England before the age of printing and of gunpowder.³ How the Earls of Hereford and their families lived and fared, what

multitude of foot — and made their own terms of peace, which Parliament adopted and the Prince of Wales accepted and sent to the king; demanding certain additions to Magna Charta on the subject of taxation, and remission to themselves and all their adherents of 'rancour and indignation.' The king grudgingly fixed his seal to the document. It runs thus: 'Articuli adjecti ad Magnam Cartam sunt isti: Nullum tallagium vel auxilium per nos vel haeredes nostros de caetero in regno nostro imponetur seu levetur sine voluntate et assensu communi archiepiscoporum, episcoporum, abbatum, et aliorum praelatorum, comitum, baronum, militum, burgensium, et aliorum liberorum hominum.' Specific provisions follow. Walsingham, in Camden, 73. See also Dugdale's *Baronage*, I. 182, 183. Compare Magna Charta, cc. 12, 14 (John).

Bohun's career ended with the victory at Falkirk. He died November 30, 1298, in the forty-ninth year of his age.

¹ The feeling against the king's new favorites 'Hugh and Hugh, father and son,' is shown by the old historian Thomas de la Moor. Hatred and envy, he says, flamed out against them. The nobles were furious; and the Earl of Hereford, who led revolt in the West, laid waste the lands of the elder Hugh and made booty of his goods. Camden, 595.

The earl was run through the groin and killed with a lance thrust by a soldier lurking under the bridge upon which Bohun and his men were fighting.

² On his person was found the counterpart-writing of a league between Lancaster and himself on the one side, and Robert Bruce, King of Scots, on the other, for mutual support in the existing troubles, and, these ended, for establishing firm peace between England and Scotland. *Fadera*, II. part ii. 40. The king found this to his purpose in the trial of Lancaster, which soon followed. He could now heap upon the dead as well as the living — since they had failed of success — with double effect the name of traitor, and a subservient Parliament of his followers could readily make good the charge. But the king's triumph was short-lived. Proscription ceased; the living participants in the struggle, and the heirs of the dead, received their patrimony (*Fadera*, II. part ii. 177, 1 Edw. III. — 1327); Lancaster became a martyr, and men made offerings at his tomb. See *post*, sixth page of next and concluding instalment.

It is curious that the Earl of Hereford had been taken prisoner by Bruce after Bannockburn — the battle itself began by single combat between a Bohun and Bruce — and that he was exchanged for Bruce's wife, who had long been a prisoner in the hands of the English, and had been under Bohun's own control. *Fadera*, II. part i. 72; Dugdale's *Baronage*, I. 182. Further, Bruce's lordship of Annandale in Scotland, wrested from him by Edward the First, had in 1306 been given by the king to Bohun. *Rot. Cart.* 34 Edw. I. n. 33; Dugdale, *ut supra*.

³ The later Bohuns knew something of gunpowder, but not much. William, Earl of Northampton, commanded the second line at Crecy.

their halls and homes contained, what their household consisted of, what their religion was to them — to know all that, and so to know how others like them lived and fared, cannot fail to be instructive to those who would know the past in its entirety.

The documents following throw light upon such matters; and the value of these documents is increased by the fact that they are a continuous series of pictures of one family through four generations, practically covering the fourteenth century. Wills of the fourteenth century in great numbers have been printed, but it would be difficult to match the present series of documents with another of equal interest pertaining to any one great family of the time. Want of space forbids detailed illustration of the value of these instruments; but one instance in point must not be passed by, lest the reader should overlook it. In these as in many other wills of early times gifts of illuminated books frequently occur; a fact to be borne in mind in taking account of the state of civilization among laymen of rank. But the will of the last Earl of Hereford tells of something more. It reveals the existence of illuminators ('luminours,' limners) of manuscripts, or rather books, as members of the testator's household. Two are mentioned, one of them as 'our illuminator.' This is a very interesting addition to our stock of knowledge, first in regard to the family itself, which is known to have cultivated letters, and then in its suggestiveness touching other families of the time, of wealth and literary tastes. In the light of this information how interesting becomes the frequent mention of books richly illuminated; how interesting especially the description in the will of the Duchess of Gloucester of the psalter she leaves to her son Humphrey. It is 'a psalter well and richly illuminated, with gold clasps enamelled with white swans' — the swan was the Bohun badge — 'and the arms of my lord and father enamelled on the clasps, and bars of gold with work in form of mullets, which psalter was given to me to remain to my heirs, and so from heir to heir.' Every touch in this description serves to identify it as a Bohun work of art, and one, in view of what the preceding will discloses, probably done by 'our illuminator' of Plessey Castle.

The usefulness of a painstaking, annotated translation of such documents as these will be manifest to any one who for the first time undertakes to read a will written in Old French. A reading knowledge of the language would indeed enable one to get a tolerably correct general idea of a will of the time, but to understand thoroughly such a document, of any length, requires some familiarity with early wills. Not that, in the fourteenth century, wills had

come to be full of technical terms as they are apt to be now, though occasionally technical terms do occur in them, but that they contain terms that did not find their way into books that are read,¹ and so have not found their way into the general glossaries. Some of these words indeed are not to be found anywhere except in wills or other official documents. To know the meaning of such words one must become familiar with parallel or similar passages in other instruments or records. Who, for instance, however familiar with Anglo-French literature but with that only, would hit upon the meaning of such a word as 'tixt' in the third of these documents? And then there are words to be found only in special glossaries — glossaries of particular books which are unknown to all but a few.

The translation here given is a literal one, French words in general being retained in their native state, but in English dress, where they have been adopted into English. Thus, 'gipeaux' becomes 'gipons,' Chaucer's 'gipoun,' rather than 'pourpoint' or 'jupon' of later times; 'gipon' being still an English if unusual word. So 'mors' becomes 'morse,' rather than buckle or clasp, and thus retains its identity, as distinguished from 'fermail,' which also appears in its own form. But this has not been made a hard and fast rule. Two words are treated in another way, 'deviser' and 'ordeigner.' The first of these words was seldom if ever used in wills written in English until after the time of the wills here printed. Used alike of lands² and of chattels in wills in Anglo-French, and later in wills in English, the word still retained its primitive and colorless meaning. Its contemporaneous (as well as present) equivalent, in the sense of *give*, is found exactly in etymology and current meaning in 'bequeath,' by which word, unchanged as it is in signification, it is therefore uniformly translated.³ In regard to 'ordeigner,' to have turned that word into 'ordain,' though that was done constantly in writing wills in English, would have been to give the word a very antiquated sense.⁴ It has been translated 'appoint.'

¹ Furnivall, speaking of the wills of medieval England, says: 'They use words not found in books.' Preface to *Fifty Earliest Eng. Wills*.

² Wills of land are occasionally met with at this time, notwithstanding the feudal law.

³ When used in the sense of *desire*, the word is translated 'will,' for that would be its legal meaning. Another etymological equivalent found occasionally in English-written wills of the fifteenth century is 'bewit.' 'I bewit my gold ryng with the diamond to hyng about the nek of the ymage of our Lady. . . . Also I bewit another ryng with a ruby and one turcos to hyng aboute our Lady's nek,' etc. John Carr's Will, *York Wills*, IV. 27 (1487).

Besides 'bequeath,' the words 'give' and 'will' are constantly used, as might be expected, in English-written wills of the fourteenth century.

⁴ E.g. 'I ordain so and so as my executors.'

It has been necessary to leave a few words untranslated; their meaning could not be made out.

Five wills and an inventory are here translated. The text in the original is the printed copy in the *Archæological Journal* for the first will, and that of Nicolas, in *Royal Wills*, for the three following. The original of the will of Margaret, Countess of Devon, has never been printed; a fresh copy has been obtained for translation from the Public Record Office, London. The copy of the inventory, one of the most interesting documents of the time, is also a fresh one from the same source.¹

Explanatory notes are given once for all upon the first occasion.

I

Will of Humphrey de Bohun, fourth Earl of Hereford of the name. Born in 1176; married Elizabeth Plantagenet, next to the youngest daughter of Edward the First, November 25, 1302; killed in battle at Boroughbridge, March 16, 1321-2. *Archæological Journal*, II. 346 (1845), for the original.

In the name of the Father, Son, and Holy Ghost, I, Humphrey de Bohun, Earl of Hereford and Essex, in good memory and understanding, make my last will in the manner following. First, I bequeath my soul to our Lord Jesus Christ, who suffered death on the cross for me and for all sinners, and to the benign Virgin Mary, his blessed mother, and to all the saints of Paradise, and my body to be buried in the Church of our very sweet Lady of Walden, near the body of Elizabeth, my late wife.² Likewise, I will that all my debts be fully paid and acquitted, and what is wanting of the will of my wife, I wish that it be performed in all things.³ Likewise, I bequeath for the carrying of my body from the place where I may die to the Abbey of Walden,⁴ and for the giving of alms, and for my burial, and for provision for the leave-taking at my burial,⁵ and for all other

¹ Both were furnished by and testify to the care of Messrs. Hardy and Page (each F. S. A.), Record Agents, Lincoln's Inn. The copy of the inventory in the *Archæological Journal* is confessedly incomplete; the one here translated is in full.

² The word here and elsewhere translated 'wife,' is 'companion.' The testator's wish as to his burial was not carried out. It probably was not known to those who took charge of his remains, as he had been killed in battle. He was buried in the Church of Black Friars, at York.

³ Two things will be noticed, a will by a married woman, and the unexecuted part of the same committed by the executor of it, by will, to his own executors. See also the will of Richard, Earl of Arundel, *Royal Wills*, 130, 136. The testator's wife was living in 1315, four years before.

⁴ Of which the earls of Hereford were patrons. It was in Essex; the place is now called Audley End.

⁵ That is, for entertaining the company present; the wake.

things which pertain to the same, 1000 marks,¹ charging my executors that the bodies of my father, my mother, and my wife be as honorably covered as my body,² and that over all our bodies there shall be but one herce of one course of lights.³ Likewise, I bequeath to my lord the king⁴ a pot and a cup of gold⁵ which my wife bequeathed to me. Item, to Sir⁶ Bartholomew de Badlesmere the black charger⁷ which I brought from beyond the sea. And for that my lord the king of his own good will has granted me by his letters patent the half of the issues of all my land from the day that God shall have done his will concerning me⁸ until the full age of my heir,⁹

¹ The equivalent to-day of something like \$150,000. See comparisons below.

² That is, equally honored with rich hangings, in the abbey.

³ The herce was a frame (commonly of wood-work, sometimes beautifully carved and ornamented) placed over the body while lying in state. It was often hung, in the case of great people, with tapestry or other rich cloths, while around the top lights were placed. In this case, the direction appears to have been that the testator's body should be put beside the tombs of his wife and his father, and that a herce should be constructed to cover them all.

⁴ Edward the Second, his brother-in-law.

⁵ One cannot feel quite sure whether the qualifying word 'dor' here, and 'dargent' elsewhere, applies to both of two objects named or to the second only; hence the very form of the expression in the original has been followed in such places in the translation. Precise description was not necessary, for the articles themselves were at hand, duly disposed for identification.

⁶ Here, and in some other passages indicated, the word 'Sir' is for 'Monsire,' a word which ordinarily meant more than 'Sire.' It denoted not only baronial rank, but in most cases, as here and elsewhere in these documents, what 'Sire' did not, intimacy. Sometimes, however, the words are used synonymously; at the beginning of the inventory following this will we have 'Monsire Nicholas de la Beche,' and at the end, 'Sire Nicholas,' etc., the same person. ('Monsieur' was undreamt of, as it is now used.) 'Monsieur' often meant 'my lord,' especially in the will of the Countess of Devon, and in such cases is so translated.

⁷ There is small danger of confusing 'chargeor' (war-horse) here with 'chargeor' (tray) in other places further on.

The 'black charger' was to have another rider than Bohun's friend. Badlesmere fell into the hands of the king in the fatal battle in which Bohun lost his life, and was directly tried and executed for treason. He had enjoyed the special favor of the king — he was just from the post of Steward of the King's Household — and his conduct, added to the insult to the queen by Lady Badlesmere, was accordingly treated as peculiarly ungrateful and treasonable; he was drawn, hanged, and beheaded. *Siege of Carlaverock*, Nicolas, 354.

⁸ A common euphemism of the time, for death. See again near the end of this will, and the will of the testator's son, *post*. In a poem on the death of Edward the First (1307), written soon after the event, 'hearkneth,' says the poet,

'Of a knyht that wes so strong,
Of wham God hath don ys wille.'

— Percy, *Reliques*, I. 250.

'That ye do hym oure wille' — 'to distroie Hugh Spencer, our enemy.' Letter of Queen Isabel (1326), 'takked upon the newe crosse in Chepe.' *Chron. of London*, Notes, p. 152; *id.* pp. 49, 50.

⁹ The testator holds of the king, and his heir, if under age, at the testator's death, would be in the king's wardship; so the king would be entitled to the rents and profits

and all the money which can be raised for the marriage of my said heir; [with this] and out of all the money which my said lord the king owes me by account settled in his wardrobe¹ for my stay with him, and also out of all the money which the Earl of Hainault, Holland, and Zealand owes me,² I bequeath to Humphrey, Edward, William, and Eneas, my sons, that is to say to each of them £2000³ for buying lands or marriages, or to be used in any other way, according to what my executors shall think profitable for them; and if the money aforesaid should amount to more, we wish that it be divided wholly between our four sons aforesaid. Likewise, I bequeath to Eleanor, my daughter, for her apparel for her marriage £200.⁴ Item, I bequeath to Sir ['Monsire'] Hugh de Courtenay 1000⁵ marks, the which I owe him for the marriage of Margaret, my daughter, to his son and heir. Item, I bequeath to this same Margaret for the apparel for her marriage 200 marks.⁶ Likewise, I bequeath to my eldest son all my armor and a bed complete⁷ of green powdered with [figures of] white swans,⁸

of the estates of the testator until his heir became of age. The half of these, the testator says, the king has relinquished.

¹ Or office of chamberlain to the king.

² On account of the dower rights of the testator's late wife, due from her first husband, John, Earl of Holland, now for more than twenty years deceased. The Earl of Hereford had not yet been able, even with the aid of the king and a judgment in the Council of the present Earl of Holland, establishing the claim, to obtain payment of the late Earl of Holland's matrimonial debts. *Fadera*, II. part i. 82, showing the king's intervention in 1315.

³ From the year 1300 to the year 1344 the shilling of England contained (22 grains to the penny, 12 pence a shilling, 22×12) 264 grains of silver (against 288 when the pound silver was a full pound, Troy weight. Madox, *History of Exchequer*, 188, 189). Shaw's *History of Currency* (London, 1895), 44. The English shilling of to-day weighs 86 grains. That is, the shilling at the time of this will contained somewhat more than three times as much silver as the shilling of to-day; and, of course, the pound then more than three times the pound now. Treating the ratio, for the purpose of a broad comparison, as three to one, the testator gives to each of the four sons £6000. But the purchase-power, in labor, of money of the fourteenth century (thus equalized in weight and real value) is commonly reckoned at about fifteen times that of money of to-day; hence the £6000 represents roughly, in *coined* silver of to-day, £90,000, or \$450,000—that amount to each of the four sons named for buying lands or for marriage portions.

In 1344 the weight of the silver shilling was reduced to (20½ grains to the penny) 243 grains, and reduction went on at stated times afterwards. In 1346 the weight was by law put at (20 grains to the penny) 240 grains; in 1353 it was put at (18 grains to the penny) 216 grains; in 1414 it was put at (15 grains to the penny) 180 grains. Shaw, pp. 44, 45-6, 55-6.

⁴ Equalizing the money as in the last note, the gift is £600 (and more), and £600 $\times 15 =$ £9000, or \$45,000 to-day.

⁵ A mark was two-thirds of a pound, or 13s. 4d. The gift, equalized as before, was 3000 marks, and 3000 marks $\times 15 =$ 45,000 marks, or \$150,000.

⁶ Equalized: 600 marks $\times 15 =$ 9000 marks, or \$30,000.

⁷ The bed furnishings.

⁸ The swan was the Bohun badge or cognizance. See note on Knight of the Swan, Countess of Devon's Will, *post*.

with all the belongings. Item, I bequeath to Master John Walewayn a cup stamped and embossed with fleur-de-lis, which had belonged to Saint Edmund of Pountiny,¹ and a little cup which Giles of Herteberghe gave to me at Bruges, and a gold ring with a ruby which my wife bequeathed to me and which is all full of bruises and is in a little casket in a large box at the end of the lower wardrobe. Likewise, I bequeath to Sir ['Monsire'] Robert de Haustede Sr., and to Lady Margery his wife, for the care of my son Eneas, £100. And to Sir ['Monsire'] Robert de Walkfare £60, and to Sir ['Monsire'] Walter de Shorne, to whom we have made no payment, £100. Likewise, I bequeath to Philippa Wake, mistress of my daughter Eleanor, £20, and to Maud de Bascreville, my sister, for her marriage, £40. Item, I bequeath to Catharine de Buckland, mistress of my daughter Margaret, £10. And to Isabel, wife of Piers de Geudeford, 100 shillings. Likewise, I bequeath to the Chapter-general of the Friars Preachers² for masses and other prayers, to chant and say for my soul, £20. And to the Chapter-general of the Friars Minorites,³ for the same things, £20. Also to the Chapter of the Friars of Saint Augustine for the same things, 20 marks. And to the Chapter-general of the Friars Carmelites⁴ for the same things, 20 marks. Likewise, I bequeath to the Abbot and Convent of Walden for chanting masses and making other benefactions for my soul, £10. And to the Prior and Convent of Lanthony near Gloucester⁵ for the same things, £10. Item, to the Prior and Convent of Farleigh for the same things, £10. And to the Prior and Convent of Brecknock for the same things, £10. And to the Prior and Convent of Hurley for the same things, £10. And to the Prior and Convent of Stoneley, 100 shillings. And to the Prior and Convent of Worcester for the same things, £10. Likewise, I bequeath to Houard de Soyrou, master to my son Humphrey, £20, and to Robert Swan, who is with our son John and his brothers, £20. Item, I bequeath to Robert de Clifton £10. And to Robert de la Lee £10. Item, to Master Walter, my cook, £10. And to William, my falconer, £10. And to Robert Brutyn £10. Also to Berthelet, the falconer, 100 shillings. And to John de Gynes 100 shillings. Likewise I bequeath to William Wrothe, my constable of Brecknock, £20. And to Thomas Gobyoun, my constable of Plessy, £20. And to Henry Herbert £10. Item, I bequeath to Walter the cellarer 100 shillings, and to Roger the cook 100 shillings, and to Richard the dean 100 shillings. I bequeath to

¹ Archbishop of Canterbury, who died in exile at Pontigny (1240), and was canonized.

² Dominicans, or Black Friars.

³ Franciscans, or Gray Friars.

⁴ White Friars.

⁵ This was a special Bohun house, to be distinguished from the Priory of Lanthony in Wales, which was the parent house. Most of the other religious houses here remembered were also under the patronage of the Earls of Hereford. Of the places following, Brecknock is in Wales; Farleigh is in Wiltshire; there is a Hurley in Berkshire; and there is a Stoneleigh (and Stoneleigh Abbey) in Warwick. Plessy was in Essex; Plessy Castle was the testator's home.

John the dean 50 shillings, and to Adam de Rothingge 100 shillings. Item, to John the chandler 50 shillings, and to William the farrier £10. Item, I bequeath to Adam the farrier 100 shillings and to William of Weston 100 shillings. Item, to Milles 100 shillings, and to Thomas the baker 100 shillings. Likewise I bequeath to Thomas of the treasury ['despense'], my chamberlain, 10 marks. And to Poun my barber 10 marks. Item, to William of the wardrobe 100 shillings, and to Robert my hosteler¹ 100 shillings. Item, I bequeath to Gilbert the poulterer 100 shillings, and to each of my [serving] boys who shall have been with me more than a year on the day when God shall have done his will concerning me 20 shillings. Likewise, I will that of all my horses some of the best shall be set apart for my burial.² And for performing all things aforesaid I have appointed Master John Walewayn, Sir ['Monsire'] Bartholomew Denefeud, the Abbot of Walden, and Sir John de Walden, my executors. Written at Gosforth near New Castle-upon-Tyne the eleventh day of August, in the year of grace one thousand three hundred and nineteen.³

FACSIMILE OF SEAL TO THIS WILL.
FROM THE ARCHÆOLOGICAL JOURNAL.

II

Inventory of certain personal property of the same Humphrey de Bohun. Translated from a transcript of the original manuscript in the Public Record Office, London, Ancient Deeds (Duchy of Lancaster), I. 29, specially furnished.⁴

¹ The one who received and provided for guests; here, of course, not an innkeeper.

² As a mortuary or burial offering to the parson of the church in which the funeral service should be held. See Sharpe, *Calendar of Wills*, Introd. II. vii. Animals as mortuaries were sometimes driven before the corpse at the funeral. *Id.* 123, Will of John Rokel (1368), giving a bullock, so to be driven.

³ As the testator was in rebellion at the time of his death, all of his property was forfeited (for a time), and his will was not probated. At the time of this will, two years and a half before his death, he was in one of the expeditions against the Despensers, and writes his will probably in camp.

⁴ Punctuation by the writer. There is scarcely any in the original MS., and there is doubt sometimes what it should be.

This indenture witnesseth of divers things which belonged to the Earl of Hereford, found in the Abbey of Walden¹ on the Wednesday next after the Annunciation of our Lady, in the fifteenth year of the reign of King Edward,² son of King Edward, and delivered by the abbot of the said place to Sir ['Monsire'] Nicholas de la Beche.³ That is to say, belonging to Eneas de Bohun⁴: one gold nouch⁵ having three grains of emeralds and nine pearls, with a sapphire in the midst, one gold ring having an emerald, twelve silver dishes, twelve saucers,⁶ and two silver basins. Belonging to William de Bohun⁷: one gold nouch having four garnets and four pearls and one emerald, one gold ring having one emerald, six dishes and six saucers, four pieces of silver [plate],⁸ two silver basins having escutcheons of the arms of England and Ulster. Belonging to Humphrey de Bohun⁹: one gold fermail¹⁰ having three emeralds and three rubies, one gold ring,

¹ Other belongings of the earl were left at Lanthony Priory; and the prior, who stood by his patron, got into trouble about some of them. *Parliamentary Writs*, II. 242, no. 76.

² A.D. 1322.

³ He had just been made the king's constable of the late earl's castle of Plessey (Dugdale's *Baronage*, II. 127), and was now taking possession of the earl's property as forfeited to the king for the rebellion; *ante*, p. 418. As to the title 'Monsire,' given 'Sire' at the end of this document, see *ante*, p. 423, note 6.

⁴ Testator's youngest son; he died in youth or early manhood.

⁵ Also written 'ouch'; a costly brooch, buckle, or clasp for fastening on a garment, such as a mantel; often richly jewelled.

⁶ 'Dishes' ('esqueles') is almost invariably followed at once by 'saucers' ('sausers'), not only in these but in other wills and inventories. What were these 'dishes,' for such is the word in the early English-written wills? Some kind of bowl is indicated by 'esquele,' Latin *scutella*, a small shield. In mod. French 'écuelle' means porringer; and in a will of the Rector of Winnal, near Winchester, of the year 1551, the testator makes a bequest (*inter alia*) of 'a potynger with ij sawsers,' *Gent. Magazine*, V 19 (Gomme). Perhaps then porringer is the meaning of 'esquele' here. The 'saucer' by etymology and early definition was a dish for sauce. The number of dishes and saucers is often, as here, but not always (see *infra*), the same.

⁷ Testator's fifth son, afterwards Earl of Northampton; *ante*, p. 415, note 6.

⁸ These are apt to go with dishes and saucers, but very likely that may be accidental. See *infra*; also *Fifty Earliest English Wills*, 65, l. 12, and 78, l. 24; *Royal Wills*, 112, 113.

⁹ Testator's third son, heir to his brother John as Earl of Hereford and Essex.

¹⁰ A large, and, among people of rank or wealth, a rich and costly buckle, clasp, or brooch. Fairholt, in his *Dict. of Costume*, II. 166, gives to the word a meaning which implies that the article was worn only by women; a meaning too narrow, for here Humphrey, John, and Edward have, each of them, 'a gold fermail.' Fairholt's definition is: 'A brooch closing the aperture of the dress at the breast'; and for illustration he refers to a cut (I. 93) of such a brooch at the neck of Berengaria, wife of Richard the First. To his definition he adds a reference to a circular brooch of the fourteenth century, like that of Berengaria, on which was the inscription:

'Je suis fermail pour garder sein
Que nul villain n'y mette main.'

'On avoit des fermaux pour attacher les manteaux, les chapes, les robes; pour suspendre

having one diamond, twelve dishes, twelve saucers, four pieces of silver [plate], two small silver basins having the arms of England and France, one silver charger. Belonging to John de Bohun¹: one gold femail having six large emeralds, one gold ring having one diamond, six dishes, six saucers of silver, and ten pieces of silver [plate], two silver basins having the arms of England and of Holland, one charger, and twelve silver spoons. Belonging to Edward de Bohun²: one gold femail having four emeralds and three rubies, one gold ring having a diamond, six dishes, six saucers of silver, and four pieces of silver [plate], two silver basins having the arms of England and France. Belonging to Margaret de Bohun³: one gold basin having one escutcheon of [the arms of] England and four escutcheons of divers arms, a table pax⁴ having one image of silver gilt, three cups, one of them being of gold, and one of silver gilt and enamelled, one ewer of the same set ['suite'],⁵ one crystal cup having one silver gilt foot⁶ and a ewer of the set, one silver censer,⁷ one gold ewer having the arms of Holland, one silver bucket for holy water. A bowl ['escurge']

les aumônières, les cassolettes, etc.' Racinet, *Le Costume Historique*, Glossary (I. 200); there called 'Broche de grandes dimensions.'

¹ Testator's eldest living son, the fifth (Bohun) Earl of Hereford. After the first Bohun earl (Henry, of Magna Charta, whose father and forefathers were all Humphreys), down to and including the last Earl of Hereford, all were Humphreys except this John; and but for the death of an elder brother Humphrey—who died young—there would have been no exception then.

John, now Earl of Hereford and Essex, at this time about sixteen years of age, was at Windsor castle as a ward of the king, his uncle. Certain belongings of the late earl, already referred to as at Lanthony Priory, and not mentioned in this inventory, were secretly sent to John at Windsor. *Parl. Writs*, II. 242, no. 76, with account of the troubles which the fact, on discovery, brought upon the prior.

² Testator's fourth son; drowned anno 1334.

³ Younger of the two living daughters of the testator, afterwards married to Hugh de Courtenay, later Earl of Devon. Her will is given *post*. Two other daughters of the testator had died young.

⁴ A small hand tablet, five or six inches by three or four, or thereabouts, more or less richly ornamented and enamelled, containing the representation of some Christian object of adoration; such as the crucifix with the Virgin and Saint John on either side, the Trinity, the adoration of the Magi, or the baptism of Christ. The pax is often called 'osculatorium' (see *Chron. Evesham*, 301; Sharpe's *Calendar of Wills*, I. 660; II. 469; *Introd.* II. xii.), and is supposed to be connected with the 'kiss of peace' of the apostles, by way of substitution. In Pugin's *Glossary of Eccl. Ornaments*, the pax is a tablet 'carried round having been kissed by the priest, after the Agnus Dei in the mass, to communicate the kiss of peace.' For cuts and descriptions see *Arch. Journal*, II. 144-151; also *id.* 49, of a pax in New College, Oxford, of the crucifixion, size 5½ × 3 inches.

⁵ A very common and, therefore, suggestive word in regard to house-furnishings. The ewer was a vessel, here evidently beautiful and costly, for holding water. For a colored figure of one, of large size, see Shaw's *Decorative Arts in the Middle Ages*, plate 38.

⁶ As to cups with feet see *Arch. Journal*, II. 176; Sharpe's *Calendar of Wills*, II. xlvii. and 337, 'le Fotèdcupp.'

⁷ See Shaw's *Decorative Arts*, plate 14, and description.

also of silver, two small silver cruets¹ and one gilt salt-cellar,² two plates having silver feet, for spices, twenty-four silver dishes, seven silver saucers, two basins and one charger of silver, two gold spoons and one of silver, two small ivory images of our Lady, one small chest having [figures of] silver leaves, two gold coronals³ having emeralds, rubies, and pearls, three gold circlets,⁴ having emeralds, rubies, and sapphires and pearls,⁵ two circlets of Paris work,⁶ and two garlands, two headdresses of pearls and other work in quatrefoil, of Paris work, one large gold nouch powdered full of emeralds, rubies and pearls, one small nouch having four garnets and one emerald, one small nouch having two garnets and two rubies and one pearl in the midst and pearls and doublets⁷ for buttons, three small silver gilt morse,⁸ one small gold table enamelled within, two pairs of paternosters,⁹

¹ Vessels for holding wine and water intended for consecration at the altar. *Fifty Earliest English Wills*, 136.

² Often having the form of a dog, stag, lion, or other animal, and costly. See *Royal Wills*, 112-114, 'un saler en la manere d'une lyoun ove le pee d'argent susorrez'; also *Arch. Journal*, II. 259, with cut.

³ Ornaments encircling the head; broader probably than the circlets which Fairholt (I. 127) says were a sort of coronal. An engraving (not dated) of Eleanor, queen of Henry the Third, in possession of the writer, shows her adjusting a jewelled coronal of rich and beautiful design.

⁴ See last note.

⁵ Before the word 'pearls' here and in the preceding line occurs the word 'autres.'

⁶ A kind of jewellery, according to Halliwell, *Dict. of Archaic Terms*. See *Fifty Earliest English Wills*, 101, l. 23. But that conveys little meaning. It was probably work of skill and art in jewellery and in other objects of apparel or ornamentation.

⁷ Among lapidaries in modern times, a doublet is a stone of two pieces of crystal with colors between, so as to look as if the whole were tinged with them. Worcester. But possibly here, as the doublets were for buttons, two stones or studs connected by links. In an engraving by Wilkes (1804) the mantle of Edward the First is represented as fastened by such studs.

⁸ The morse (from *mordere*, *morsus*) was a kind of button with clasp, often of very costly material and workmanship, worn by clergy and laity. When worn by the clergy, it was used to prevent the cope from slipping off, and was fastened on the breast by a clasp; in which case it was from five to six inches in breadth, either circular, square, or in some form taken from among the details of the architecture of the time. It was of gold, silver, ivory, or copper, or of wood overlaid with precious metals. Gems and pearls were often set in it. See a rich example of a large circular morse, in enamel, with sacred figures around the border and in the centre relating to the birth of John the Baptist, in colors, in Shaw's *Decorative Arts*, plate 7, beginning of the fourteenth century, and description.

⁹ A pair of paternosters — called a 'pair' from the circlets made as suspended from the girdle or arm — was a single rosary, a string of beads for counting prayers. The term 'rosary,' though in use at this time, was not applied as it has been since to beads; instead of rosary we generally find 'paternosters' — of course from the first words of the Lord's prayer. See Bridgett, *Our Lady's Dowry*, chap. 5:

Of smal coral aboute hir arm she bar
A peire of bedes, gauded all with grene;
And thereon heng a broche of goldful shene.'

Chaucer, *Prologue to Cant. Tales*, 157-160 (Skeat). Costly paternosters were much worn as ornaments.

the one of coral, the other of jet, having the large beads ['gaudeez'] gilt, one girdle of say¹ powdered with white pearls and with coral and the mordent² having three escutcheons of arms of France, Spain, and the Empire,³ three gold rings having three sapphires, one gold ring having one 'peritoece,'⁴ one 'Israel'-stone⁵ set in silver, one other stone set in silver, one ring having one ruby, two rings having emeralds, one ring having sapphires, one ring having grain of ruby, one ring having grain of emerald, two rings having garnets, four silver [pieces of] money enamelled, one portion of them with white pearls, and another portion with blue ['de Inde'] pearls,⁶ one amber ball set in three silver braces, one branch of coral, three eagle-stones,⁷ one silver ship ['nef'] for alms.⁸ Belonging to Eleanor de Bohun⁹: one wooden table painted for an altar,¹⁰ one cross having one silver gilt foot, two small silver basins for the chapel,¹¹ one ivory image of our Lady in a closed tabernacle,¹² one small ivory image of Saint Catharine, two silver

¹ A kind of silk or satin. 'That fine say whereof silk cloth is made.' Quotation in *Century Dictionary*, under 'Say.'

² The metal case or covering at one end of the girdle, having a clasp or tongue (hence 'mordaunt,' 'mordent,' from *mordre*, like *morse*, *supra*) to connect it with the other end; often richly studded and beautiful. See cuts in Fairholt.

'The mourdaunt, wrought in noble wyse,

Was of a stoon ful precious.' — *Rom. of the Rose*, 1094 (Skeat).

³ The Holy Roman or German Empire.

⁴ Perhaps from *petra virtuosa*, a talismanic stone. See Sharpe's *Calendar of Wills*, Intro. II. xli.: 'A ring which was considered to possess healing or talismanic property was called in medieval Latin *virtuosus*.' Such a ring had Sir Lancelot to his service in some of his troubles.

⁵ Among the effects of Piers Gavaston (1313) was a purse of cloth of gold containing two Jerusalem-stones. *Fadera*, II. part i. 30; *Siege of Carlaverock*, Nicolas, 139.

⁶ Qu. as to the meaning of this? The original reads, 'iiii. deniers d'argent enaumaillez une porcioun des blanches perles & une autre porcioun de perles de Inde.'

⁷ Stones supposed to possess various talismanic properties, especially in child-birth. There was a famous one at the shrine of St. Albans. In form and substance the eagle-stone or aetite was a rounded lump of clay ironstone, hollow, with a loose nucleus within, which rattled when the stone was shaken. See *Middlesex and Herts Notes and Queries*, January, 1895, p. 35.

⁸ 'The most curious appendage of the table of princes and noblemen of high rank was the ship (nef). . . . The form of it was evidently borrowed from the navette (naveta), a ship-like vessel in which frankincense was kept on the altar.' *Arch. Journal*, II. 266, with cut representing a page carrying the nef. See 'navette' of Eleanor below. It is called 'naviculus' in *Chron. Evesham*, 301 (1376). 'In his bewilderment he served the king with mustard instead of honey from the great silver ship full of condiments, in the centre of the table.' *Prince and Page* (Miss Yonge), ch. 14. The prince is afterwards Edward the First.

⁹ Elder daughter of the testator, afterwards married to James Butler, Earl of Ormond.

¹⁰ See *post*, in will of Countess of Devon.

¹¹ Of Plessy Castle. 'Our chapel in our castle of Plessy,' *post*, on the fourth page of the next and concluding instalment.

¹² Not uncommon in churches. 'The images in the churches frequently stood under handsome canopies or tabernacles.' Bridgett, *Our Lady's Downy*, 267. 'I will that my

candlesticks for the chapel, one bucket and one bowl ['escurge'] of silver for holy water, two cruets, and one little silver bell ['sonet'],¹ and one little silver ship ['navette'] for incense, one silver gilt censer, twenty-two dishes and six saucers of silver, two small basins and one charger of silver, one silver plate for spices, with the foot having escutcheons of divers arms, and two other plain silver plates for spices, four silver pots having the covers and one ewer of the set, and one silver gilt pot together with two ewers of the set, one white mazer-bowl² having the cover, one gold hanap³ having the cover and enamelled, with a brace ['crampoun'], and one gold pot, one silver gilt chalice for the chapel, one silver salt-cellar, one gold cup having one escutcheon of Holland, one foot for one silver gilt hanap, two gold spoons and one of silver, one gold nouch cut as a shield, having an eagle, sapphires, rubies, pearls and one ruby pendant from the eagle's beak, one rich gold coronet ['coroune'] having emeralds, rubies, and pearls, and one other richer gold coronet having emeralds, rubies, and sapphires and white pearls, two silver circlets of Paris work, one chaplet of pearls having the arms of Holland, one headdress of small pearls and stones, four gold circlets of emeralds, garnets, and pearls, one headdress of pearls having the escutcheons of arms of England and Holland, one silver box enamelled, together with one gold ring having one ruby, one small print of silver leaves,⁴ together with a frontel of say for a bacinet,⁵ three branches of coral, one musk-ball set in a silver brace, having small stones and pearls,

executors do peynte and gyldre the tabernakyll of our Lady of Pity at my cost.' Ibid. See also p. 320, referring to a shrine of the Virgin at Ipswich, where there had been an image of gold of the Virgin, in a tabernacle of silver gilt. Such things the great, as the text shows, had at home.

¹ 'As around the bishop's tunicle, so to both ends of the stole little bells of silver used sometimes to be fastened in Anglo-Saxon times, there is strong reason for supposing; certain, indeed, it is that, for ages after the Anglo-Saxon period, such bells . . . continued to be sewed to the extremities of our English stole and maniple.' Shaw's *Decorative Arts*, under 'Triptych.'

² Generally of maple-wood; also of other spotted or mottled hard wood. *Century Dict.*; *Arch. Journal*, II. 262, with cut of bowl having a cover. The commonest of drinking-vessels; often mounted upon a foot. Sharpe's *Calendar of Wills*, Introd. II. xlvii.; *Archæologia*, 1887, I. part i. 129. 'A mazer ywrought of the maple warre.' Spenser.

³ A cup raised on a stem, with or without a cover, often, as here, of costly material and delicate workmanship. See *Arch. Journal*, II. 180, 263, 264; Shaw's *Decorative Arts*, plate 9, in colors, enamelled and exquisite in design and execution, with description (thirteenth century). What the 'crampoun,' ordinarily a brace, in this instance was, is not clear; perhaps it was something within which the hanap was placed when not in use. 'Hanaper' is of course from this word.

⁴ That is, an article stamped with silver leaves.

⁵ A small helmet, a sort of cap of metal, lined, usually conical-shaped at this time; the helmet, worn in battle or tournaments, was much larger, and was worn over the bacinet.

'An helm he had on his heved set,
And ther-under a thick basinet.'

— 'Guy of Warwick,' *Early English Metrical Romances*, Halliwell, 229.

three eagle-stones, one flower of our Lady,¹ one small musk-cup having the foot and the cover of silver gilt quatrefoils of Paris work, three silver morsers gilt, pearls of divers colors and doublets also, three small silver spoons having [figures of] cockles of the sea, one small tablet having one crucifix and one mariole of our Lady, enamelled, two silver brooches² for a mantle in a small ivory case, one gold comb and one silver mirror with one silver brooch in a case, one girl's girdle of silver, one black box bound ['herneise'] in gold, two gold rings having sapphires, one stone enclosed in silver, one pair of amber paternosters, and one other of silver and three diamonds³ and one purse ['bourse'], one ring having one sapphire, two rings having emeralds, one ring having one small ruby, two rings having small emeralds, one piece of gold [plate] melted down, and one ivory box bound in silver. For the Earl of Hereford⁴: one gold cup having one escutcheon of Holland and Hereford, one pot and one ewer of gold of the same set, one silver pot for arms and one gilt salt-cellar, the large coronet ['la grande coroune'] having rubies, emeralds, and pearls, and upon the crest rubies and sapphires, which the queen her mother bequeathed ['devisa']⁵ to the Countess of Hereford. These are the things which the said abbot received from John de Tossebury: that is to say, eighteen pieces of tapestry and green bench-coverings ['banquers'] powdered with swans, and one habergeon⁶ which is called Bollioun, and one pair of plates covered with green velvet, two gipons,⁷ two coats with arms of the earl,

¹ The rose, emblem of the Virgin, herself called by the Catholic Church, Rosa Mystica. Bridgett, *Our Lady's Dowry*, 343.

² The word here translated 'brooches' is 'broche.' The word appears to be more or less interchangeable with 'nouch,' as are also, perhaps, the words 'fermail' and 'morse.' But each of these French words retains its French name in the translation, as it appears in the English of the time, and in modern times.

³ It is interesting to note that we have here, in the original, the earlier form of the word we call 'diamond,' namely, 'aymaux,' singular 'aymant,' that is, 'adimant.' In other places in the inventory the word is 'diamoant.'

⁴ John, eldest living son of the late earl, now at Windsor castle; *supra*, p. 428, note 1.

⁵ This word may here mean simply *gave*, rather than bequeathed or gave by will.

⁶ Diminutive of hauberk; a breast-plate.

⁷ The jupon or pourpoint, a close-fitting garment worn in battle, or on the march, in tournaments, and other great occasions, displaying the owner's arms, and hence worn over the coat of mail. So the cuts represent it. See Fairholt, I. 153, 206, 207; *Arch. Journal*, II. 215; Shaw, *Dresses and Decorations of the Middle Ages*, I. But Fairholt (II. 184), quoting Strutt, says *under* the coat of mail; which is contrary to what the former himself had already said (I. 206). Of what use would the figure of arms be if under the coat of mail? Chaucer says:

'Of fustian he wered a gipoun,
Al bismotered with his habergeoun.'

Prologue to Canterbury Tales, 75. See also *Knight's Tale*, 2120, where the knight appears 'in a light gipoun.' There was a close-fitting garment worn next the body, called variously gambeson, acketon or hacketon, floternel, and (*Song of Roland*, 282 and Gautier's note) blialt. The blialt was worn by women also. Shaw's *Dresses and Decorations*, I. Introduction. Strutt thought the gambeson and the gipoun the same thing. See Fairholt, II. 184.

four pairs of ailettes¹ with arms of the Earl of Hereford, one cloth of gold for a bed, one covering of red samite² and one covering of blue ['de Inde'] samite, and one small covering of say for a bed for children, four swords, one with arms of the said earl, the second of Saint George, and the third of 'Sarziney,' the fourth of war, one Holland quilt ['quintepoint'] and one white sendal³ and one striped with red velvet and peacocks' feathers and one other with arms of England and Hereford quartered, one dosser⁴ of the set, one long table-cloth⁵ and three towels, three coverings of ermine, one for a children's bed, two coverings of menever, one black ['gronoir'] and two gray, one of the latter for a children's bed, one canopy and one dosser of green sendal and of red for one bed, two silver chargers, one basin for alms having one escutcheon of the arms of Hereford wanting a ring, one book which is called Sydrac,⁶ two bacinets, the one covered with leather the other burnished, two coverchiefs for the head of a bed⁷ furred with menever, the one of cloth of 'Tarce,'⁸ the other embroidered, one screen of red sendal, two pieces of blue ['de Inde'] tapestry, one pair of hose of Cordova, having buttons, one iron corset, one covering for a horse with the

¹ Small square — sometimes round, pentagonal, or lozenge-shaped — shields of stiff fabric, rising wing-like from behind the shoulders, and often bearing the person's arms. See Fairholt, I. 112, 149, with cuts. They were worn from the time of Edward the First to that of Edward the Third. They seem to have been partly for ornament, and so were jewelled in some cases. Fairholt, II. 4, 5, referring to the ailettes of Piers Gavaston. In the time of Richard the First an ornament of like nature, in form of a small cross rising from the shoulders, was sometimes worn, probably the sign of a crusader of rank. See Shaw's *Dresses and Decorations*, I. plate 17.

² From *examitus* [ἐξ ὑλῶς] six-threaded; a heavy silk material. 'To say of any silken tissue that it was "examitum" or "samit," meant that it was six-threaded, and therefore costly and splendid. . . . [It] had in the warp six threads, while the weft was of flat gold threads.' Quotation in *Century Dictionary*, under 'Samite.'

'And in an overgilt samyt
Clad she was, by gret delyt.'

— *Rom. of the Rose*, 873-4 (Skeat).

³ A silken material used in the fourteenth and fifteenth centuries for rich dresses, flags, pennons, etc. *Century Dictionary*. 'Sendale you expounde by a thynne stuffe lyke cypres [Ipres cloth]; but yt was a thynne stuffe lyke sarcenett, and of a raw kynde of sylke or sarcenett, but coarser and narrower than the sarcenett now ys, as myselfe can remember.' Fairholt, II. 363, quoting Thynne (1598).

⁴ Coverings for the backs of chairs. See *Fifty Earliest English Wills*, 178; also Halliwell, who says hangings of various kinds, tapestry. See also Sharpe's *Calendar of Wills*, Introd. II. xxxiii: 'The walls of the mansion house of the wealthy citizen were hung with pieces of tapestry known as costers or dorsers, elaborately worked . . . or else stained (*i.e.* painted) with pictures,' etc.

⁵ See *Arch. Journal*, II. 178.

⁶ A secular work of 'great repute at the time; the book which the fabulous King Boctus caused to be written on all sciences by the equally fabulous Sydrac.' *Arch. Journal*, II. 345.

⁷ Also a term for covering of the head of women. See Shaw's *Dresses and Decorations*, I. Introduction.

⁸ See Fairholt, 'Tartarium'; Sharpe's *Calendar of Wills*, I. 681; Glossary to *Liber*

arms of Hereford, one bay sumpter horse. Besides, there were found in a coffer of the Chapel of Denney the things following.¹ That is to say, two missals,² one legende,³ two antiphoners,⁴ one breviary,⁵ one psalter glossed in two volumes, three grails,⁶ one manual,⁷ one 'epistolarie,'⁸ two troopers,⁹ one psalter with one hymner, the canon of the mass for oneself, five chasubles,¹⁰ five albs, three amices, four stoles, four fanons,¹¹ four girdles, two corporals together with the case,¹² six tunics, four leather copes, six large towels, three small towels, two cloths for the lectron, one cloth of gold, one cushion, two surplices, one rochette,¹³ two gilt chalices,¹⁴ two crosses, one table of relics,¹⁵

Customarum, p. 830, where it is said that cloth of Tars is probably the China silk crape of the present day. See the same place in regard to the name Tars.

'His cote-armure was of cloth of Tars.'

— *Canterbury Tales* (Knight's Tale), 2160.

¹ What follows *supra* is a collection of books of the church. 'The collection of books for the service of the Chapel of Denney is very complete.' *Arch. Journal*, II. 345.

² 'The missal has all the masses said from one end of the year to the other.' Meagher's *Teaching Truth*, 104.

³ A church book of divine service, according to Laccomb's *Glossary*. But here, perhaps, a book of Legends of the Saints. See Sharpe's *Calendar of Wills*, I. 607; II. 511; also *Introd. II. Legends of the Holy Rood*, ed. Morris, is one of the publications of the Early Eng. Text Society.

⁴ Ordinarily, books of anthems.

⁵ A book containing a summary of the prayers of the Catholic Church. Meagher's *Teaching Truth*, 275.

⁶ Books of hymns and prayers; Worcester. See Brewer's *Historic Note Book*, 526, 'Liturgy.' Also called *Graduals*. See *Glossary to Chronicle of Abingdon*.

⁷ See Brewer's *Historic Note Book*, 526, 'Liturgy.'

⁸ The Epistles general.

⁹ A book of offices in use in the Western Church, containing the tropes and sequences. *Century Dictionary*. A hymner. *Promptorium Parv.* 503.

¹⁰ These and the following articles, like the books just mentioned, though things of the church, were the property of the late earl (used, no doubt, in his own chapel in the castle of Plessy), and hence were now being taken possession of for the king.

After a cut of an archbishop in ecclesiastical garb, Shaw says: 'Above his ankles we see the lower part of the long garment which was called the albe. Over this is the tunic. . . . Then the dalmatic. . . . Above all is the chasuble, thrown over the body and raised on the arms like a mantle, with a standing collar. Hanging on the left arm is the maniple. . . . The stole, which hung from the shoulders, and descended nearly to the feet over the albe, is not seen in the effigy.' *Dresses and Decorations*, plate 16 and description, figure of end of twelfth century. Cuts of the amice are also given by Shaw; also by Meagher in *Teaching Truth*, 129, where all the ecclesiastical vestments here mentioned, except the rochette, are explained. See also Shaw's *Decorative Arts*, under 'Triptych.'

¹¹ Another name for maniples. See Fairholt and note 9, *supra*.

¹² Corporal was and is the name given to the cloth which covered the communion vessels; the cloth being kept in a case. Sharpe's *Calendar of Wills*, I. 644; II. xii.

¹³ A loose upper garment: a clerical gown (as here). Fairholt, II. 350.

¹⁴ Vessels in which the consecrated wine was held.

¹⁵ A reliquary, for holding relics of the saints. The vessel was of various forms, sometimes richly executed and jewelled. See Shaw's *Decorative Arts*, plate 10, a silver jewelled reliquary, of the year 1470, in the form of a naked foot and ankle.

two gilt cruets, one silver censer, one small vessel of relics, one box containing deeds, one latten¹ vessel enamelled, one silver gilt box, one account book ['paper'].² In testimony of the delivery of which things to the aforesaid Sir Nicholas de la Beche by the aforesaid Abbot of Walden the year and day aforesaid, in presence of Sir Nicholas de Engaigne, sheriff of Essex and of Hertford, the aforesaid abbot and Sir Nicholas de la Beche have put their seals to each part of the indenture ['a lune et lautre endenture'].

[Indorsed.] Indenture by which the Abbot of Walden delivered divers things to Sir ['Monsire'] John [sic] de la Beche in the time of King Edward son of King Edward.

MELVILLE M. BIGELOW.

¹ A kind of bronze used in the middle ages for crosses, candlesticks, effigies, basins, etc. Worcester.

² *Cant. Tales* (Cook's Tale), 4404. See Skeat's *Glossary*.

(*To be continued.*)

VIRGINIA AND THE QUEBEC BILL

IN 1774 there came for the first time a sharp conflict between Virginia and the home government as to jurisdiction over the territory north of the Ohio. The interpretation which Virginia had always given to the somewhat obscure definition of her bounds in the charter of 1609, had been long denied by France, and when that contested region was wrested from France, the peace of 1763 had limited its western extension by the Mississippi. The royal proclamation, which soon followed, had prevented the pushing of settlements thither, but had not given it over absolutely to other jurisdiction. Ten years or more later, while Virginia was waging war against the savages thereabouts, to enforce her claim and protect her settled frontiers, the British Parliament strove to put a limit to her territorial pretensions in this direction, by giving the Quebec government an absolute jurisdiction over the region. There were other purposes, both ostensible and latent, in this legislative movement, which were entered upon to curb not only Virginia, but the other seaboard colonies, in an inevitable westward march.

Ever since Carleton had been in command in Quebec, he had felt the necessity of yielding something more to the French Canadians than had been allowed by the capitulation at Montreal in 1760, and by the acts of 1763. He contended that a further concession could alone make them good British subjects, and that a guarded revival of French law, customs, and religion, while placating 150,000 Catholics of the province, — as Carleton counted them, though his estimate is probably much too large, — would not seriously impair the fortunes of four hundred Protestants, their fellow-subjects. In 1770 Carleton had gone to England, leaving in his place Cramahé, a Swiss Protestant in the English service. During the four years of his absence, Carleton was in occasional consultation with the ministry, about what seemed to him some needed transformation of the government of the province. This consideration was at times affected, and perhaps shaped, by petitions of the Canadians, not largely signed, and forwarded by Cramahé. They touched the restoration of French laws and a rehabilitation of the Catholic religion.

While such questions were in abeyance, the revolutionary commotions in Boston did not fail to render of doubtful continuance the loyalty of the seaboard colonies. If such disaffection could not be stamped out, it became a question of restraining it by territorial bounds, and covertly if not openly. This danger had already delayed the entire fulfilment of the Vandalia project south of the Ohio. It was known that there was a tide of immigration rolling along the Ohio, and, in spite of the agreement at Fort Stanwix, threatening its northern banks. It was necessary then to find some barrier to check the current lest it should buoy up the seething commotions of the seaboard. No such barrier was so obvious as that which the French had attempted to maintain in the recent war,—the line of the St. Lawrence and the Alleghanies. To make this barrier effective, it was necessary to consolidate, as far as possible, the region behind it in a single government. Murray and his successor, Carleton, had already urged an extension of their executive authority from Quebec westward, and the opportune time had come for doing it, under an ostensible plea of regulating the fur trade of the region. If the traders were gratified by such professions, the debates and remonstrances show that the proposed reinstatement of the Roman Church and the suppression of English law drew out fervent opposition; and there is, moreover, no evidence that the Canadians themselves, as a population, felt any elation over the prospect. This may have been due in some part to a latent sympathy among them with the revolutionary classes of the older colonies,—a sympathy with which Congress, as it turned out, blundered in an attempt to deal.

A new petition from Canada, dated February, 1774, and signed by only sixty-five persons, asked for a restoration of the "old bounds of Canada," over which the English and French had so long disputed, and the ministry in granting it were ensnared into the somewhat ridiculous acknowledgment of what they had formerly denied. To restore such limits, however, would please the Canadians and some fur-traders, and became a good cloak for ulterior purposes respecting the seaboard colonies.

Immediate opposition naturally came from the Penns, whose proprietary rights would be curtailed, and from Virginia, whose royal governor, interested with many of her people in land schemes in the Illinois country, was already preparing for an invasion of the territory. The movement for a colony north of the Ohio, over which Franklin and Hillsborough had contended, had come to naught, much to the relief of Virginia; but here was a project seeking the active sanction of Parliament, and likely to thwart

any purpose which her royal governor might have of issuing patents to this very land.

Dunmore was a man not easily balked. He had already taken possession of Fort Pitt despite the protests of Penn, and was determined to hold it as a gate to the over-river country of Virginia. This precipitate conduct had alarmed Haldimand, the military head of the Continent, lest the distractions of this intercolonial land-dispute should embolden the savages to take an advantage. Both sides arrested settlers engaged in vindicating their respective colonies, and the trouble had become so alarming in the spring of 1774, that both colonies sought, but without avail, to compromise the dispute. Surveyors of both sides were rushing to the contested region, and plotting their claims. The Indians, observing this, and disappointed that the delay in the organization of the Vandalia colony had deprived them of purchase money for their lands, and fearing to lose them through occupation by rival claimants, grew troublesome along the frontier. This condition was not altogether unwelcome to Dunmore. It gave the color of necessity to a proclamation (April 25, 1774), ordering the militia to be in readiness. By this force he might intimidate Pennsylvania, punish the Indians, and maintain the sovereignty of Virginia beyond the Ohio.

A few score men, land-grabbers and adventurers, had already assembled at the mouth of the Kenawha, and a hunting party sent out by them had been attacked by wandering Shawnees. As the spring wore on these bold fellows at the Kenawha, animated by a desire for revenge, resolved on a sudden onset upon the Indian towns on the Scioto, in the disputed territory. They sought a famous frontiersman, Cresap, for a leader, and returning up the Ohio to the site of the modern Wheeling, recruited their body by additional hotheads, with whom it mattered little whether the stories of murders, which were increasing, were of whites by savages, or of the Indian by the frontiersman, — and there was no dearth of either kind of tale. Zane, the principal settler of this spot, as well as Cresap counselled moderation, at least at times; but the trepidation was too wide-spread for perfect restraint. One observer tells us that in a single day a thousand bewildered settlers crossed over the Monongahela towards the east, and the whole country was finally stripped of inhabitants, except they were "forted."

The war, if it came, was sure to have one advantage for the whites, and that was the single and unhampered purpose of Virginia to maintain her own, and this she was prepared to do without the aid of her neighbors.

Sir William Johnson in New York was doing his best to restrain the Iroquois, but that part of these confederates which had advanced into the modern state of Ohio could not be restrained from making common cause with the Delawares and Shawnees.

Logan was one of these migrated Iroquois, and it was his fate to become the pivot of events. A small camp of his family and followers, on the north side of the Ohio, crossing the river to get rum, was set upon and killed by some lawless whites. Indian runners spread the news of the massacre, and Logan was soon, with such a band as he could gather, spreading devastation along the Monongahela and Holston, — and Dunmore's war was begun.

The country north of the Ohio, where Dunmore expected to operate, was designated in the parliamentary bill, now near its passage, as "heretofore a part of the territory of Canada." This phrase struck sharply at the pride of Dunning and others, jealous of English honor, and Lord North at one time proposed to leave the words out. It was urged by the opposition that under such an acknowledgment, if the time should ever come for France to regain Canada in a diplomatic balance, she could fairly contend for this conceded limit. While this apprehension strengthened the opponents of the bill in England, the news of its progress through Parliament brought other fears to land speculators in Virginia. Some travellers and adventurers in the summer of 1773 had formed a company at Kaskaskia which became known as the Illinois Land Company, and with these the governor and various gentlemen of tide-water Virginia were associated. They had bargained with the Indians for large tracts of land, and the deed had been passed. Was their purchase now imperilled by this bill? What was to be the effect of the measure upon the French traders and denizens of that country and upon their relations to the Indians? Haldimand was endeavoring to get what information he could of the condition of that country. He was instructing Lieutenant Hutchins to leave Pensacola and take the route north by the Mississippi, so as to bring him reports. Later still he sent Lieutenant Hall to placate the Indians, and prepare the French settlers for the stabler rule of the new bill. Gage in London was not less anxiously consulting with North and Dartmouth, and conferring with Carleton about its provisions. Haldimand was meanwhile constantly reporting new disorders on the Ohio, with a suspicion of French intrigue behind the savage irruptions, and there was need of haste in applying the assuaging effects of the bill. But its opponents were questioning the scheme because they thought

it hopeless and unpatriotic to check an inevitable westward progress. Haldimand understood the real purpose of its promoters, when he said that the bill was aimed at preventing the Americans getting possession of the continent. Lord Lyttelton recognized the fact that to confine the Americans by such a barrier was to thwart their contest for empire. Wedderburn said distinctly that it was one object of the bill to prevent the English settling in that country, and that the new barrier would allow "little temptation" to send settlers north from the Vandalia grant.

It was not only this territorial expansion of Quebec, but the concessions which the bill made to French Catholics, greater than any English Romanist could dare expect, and the grant of French law in British territory, which increased the steady aversion to it of English merchants, and which aroused the lord mayor and magistrates of London, because they supposed it imperilled British honor. For the seaboard colonists to enter that territory and find French law instead of English law, and to encounter an established Catholic religion, was not likely to strengthen the loyalty whose decadence the ministry was deploring in the older colonies. However politic the modern historian may think this rehabilitating of French customs to have been for the vastly preponderating French element north of the St. Lawrence, to include the Ohio country in such provisions is not approved even by such defenders of the ministerial policy as Kingsford, the latest historian of Canada. There is indeed little to support the charges that the bill was but the first step in reducing "the ancient, free, Protestant colonies to the same state of slavery," by setting up "an example and fit instrument for introducing the same absolute rule in these colonies." These were phrases used by Congress in an address to the people of Great Britain a few months later (October 21, 1774) and still more solemnly in the Declaration of Independence. They were simply loose sentences used for political ends. The parliamentary opposition, which was dignified by the support of Chatham and Burke, never ventured to think of any such effect as proceeding on the Atlantic side of the Alleghanies from these untoward provisions, whatever the bravado utterances of Thurlow may have indicated. The bill, passing the Commons on June 13, while Logan was rendering an Indian war in the designated region inevitable, went with amendments to the Lords. In this body, with a scant attendance of members, and after the season was so far advanced that many weary peers had gone to their estates, it was passed on June 18, and four days later was approved by the king.

Before the news could reach Virginia, but while the prospect seemed certain that such a bill would become law, Dunmore, on July 12, instructed Andrew Lewis to descend the Kenawha with a force and cross the Ohio into the Shawnee country. Major McDonald gathered some seven hundred sturdy fighters at the settlement of Zane (Wheeling), whence he shortly dashed upon some Shawnee villages on the Muskingum, and won the first success of the war. By the last of September, when Dunmore arrived to take command, there were some thirteen hundred men at Wheeling.

The real stroke of the war came on the very site of the contemplated capital of Vandalia, in the angle formed by the junction of the Kenawha with the Ohio, — Point Pleasant as it was called. The conflict here was the most hotly contested fight which the Indians ever made against the English, and it is all the more remarkable as it was the first considerable battle which they had fought without the aid of the French. Lewis, on arriving at the spot, learned from Dunmore's messages, which the governor's scouts had hidden near by, that the governor with his forces would be on the Ohio at a point higher up, where Lewis was instructed to join him. The next day new orders came, by which it appeared that Dunmore intended to turn up the Hockhocking River, and that Lewis was expected to cross the Ohio and join him in the Indian country. When Lewis was thus advised, his rear column had not come up and his trains and cattle were still struggling in the wilderness. The force which he had with him at Point Pleasant was a motley one, but for forest service a notable body, and not a frontier settlement but had contributed to it.

While Lewis was making ready to obey orders, a squad of men, out hunting, discovered that a horde of Indians was upon them. Cornstalk, a Shawnee chief, had divined Dunmore's plan and, with a strategic skill unusual with Indians, had crossed the Ohio for the purpose of beating his adversary in detail. The opposing armies were much alike in numbers, say eleven hundred each — perhaps more — and in forest wiles the difference was hardly greater. Cornstalk soon developed his plan of crowding the whites toward the point of the peninsula. Lewis pushed forward enough men to retard this onset, while he threw up a line of defence, behind which he could retire if necessary. He sent, by a concealed movement, another force along the banks of the Ohio, which gained the Indians' flank, and by an enfilading fire forced the savage line back. In the night, Cornstalk, thus worsted, recrossed the Ohio.

Meanwhile Dunmore, ascending the Hockhocking, marched

towards the Scioto, making some ravages as he went. Cornstalk, after his defeat, had hurriedly joined the tribes opposing Dunmore, but he found them so disheartened by his own discomfiture, that he soon led a deputation to Dunmore's camp, and proposed a peace. The governor, hearing of Lewis's approach, and not feeling the need of his aid in the negotiations, and fearing that the elation of the victorious borderers might disquiet the now complacent tribes, sent messages to Lewis, that he should withdraw, which Lewis reluctantly did. A treaty followed, and Dunmore got all he hoped for by bringing peace, in re-establishing a new hold for Virginia upon the territory, which, as he later learned, was on the first of the following May to pass, by action of Parliament, under a new jurisdiction. The grasp, which Virginia had now taken, was to be of great importance in the coming struggle with the king, for she had administered a defeat to the Indians, which was for some time to paralyze their power in that region. It was a grasp that Virginia was not to relax till she ceded her rights in this territory to the nascent union when the revolt of the colonies was ended, — a hold that before long she was to strengthen through the wisdom and hardihood shown in her capture of Vincennes.

Before the battle of Point Pleasant had decided the fate of the Indians, the passage of the bill, which in early summer had created so little attention in Parliament, was met in London by "a prodigious cry" in September, — a clamor that William Lee, then in England, did his best to increase by "keeping a continual fire in the papers." The bill was not to go into effect till the spring of 1775, and Carleton having returned to Canada, Dartmouth in January sent him instructions about putting it in force. The minister's letters must have crossed others from the governor, informing him of the opposition to the bill even among the French people of the province, and of the measures which the revolting colonies were taking to gain the Canadians to their cause. In Montreal the bust of the king had been defaced.

Already in the previous September, Congress had re-echoed the "prodigious cry" of London, and had declared the re-establishment of the Catholic religion in Quebec to be "dangerous in an extreme degree;" but this mistake in language was discovered, and John Dickinson drafted for that body a conciliatory address to the Canadians, which, in March, 1775, Carleton informed Dartmouth the disaffected on the St. Lawrence were printing and distributing in a translation. Within a year the lesson of prudence had been forgotten, and singularly enough while Congress (February 1776) was appointing a commission, with one Catholic member

(Charles Carroll) and a Catholic attendant, to proceed to Montreal, the ardent Huguenot blood of John Jay had colored an address of Congress to English sympathizers by characterizing the Catholic faith "as a religion fraught with sanguinary and impious tenets." It was only necessary for the loyal Canadians to translate and circulate Jay's imprudent rhetoric to make the efforts of the commissioners futile. Congress again grew wiser when it framed the Declaration of Independence, and Dr. Shea has pointed out that the allusion to the Quebec bill in that document is "so obscure that few now understand it, and on the point of religion it is silent."

Congress thus failed to undo the Quebec Act by gaining the people it was intended to shield; and it was left for Virginia, under a pressure instigated by Maryland, to make the territory, of which Parliament would have deprived her, the nucleus of a new empire beyond the mountains.

JUSTIN WINSOR.

THE CASE OF JOSIAH PHILIPS

THE case at law which forms the subject of this paper, while it cannot be said to be celebrated, has nevertheless attracted some little attention and is in itself not devoid of interest. Close students of Patrick Henry's career will remember it as the occasion of considerable criticism directed against that statesman, while to such persons as have investigated the origin of judicial power over unconstitutional legislation its name will not be unfamiliar as that of a shadowy and problematical forerunner of the more famous causes of *Holmes vs. Walton* and *Trevett vs. Weeden*. None of the historians and jurists that have mentioned it seems, however, to have thoroughly unravelled its complications or to have perceived its interest as one of the most curious examples of the use of a pure bill of attainder that can be found in our history. Its queer interest to the psychologist and student of human nature has also, and not unnaturally, been passed over by these investigators. That interest will, it is hoped, keep the pages that follow, which must of necessity deal with a mass of historical and legal details, from being caviare to the general reader of this REVIEW.

The counties of Princess Anne, Norfolk, and Nansemond form a rough quadrilateral in the southeastern corner of the map of Virginia. The first named and most eastern of the three was formed from Norfolk in 1691, the boundaries of its first parish, Lynnhaven, having been fixed, however, by an act of the Burgesses nearly fifty years previously. Apart from their connection with a well-known variety of oyster, the county and parish, covered as they are with swamps and sparsely inhabited by fishermen, could hardly be expected to furnish us with annals enlivened by many episodes of historical importance. Three such episodes are known to the present writer, the first being the trial of Grace Sherwood for witchcraft in 1706, the second being the occupation of the region by Lord Dunmore with its consequent persecution of the poor but patriotic inhabitants, and the third being the subject of this paper.¹

Josiah Philips was a laborer of Lynnhaven parish who for three years (1775-1778) gave the authorities of his state more trouble

¹ For a sketch of Lynnhaven parish see Bishop Meade's *Old Churches*, etc., I. 246; for an account of Grace Sherwood's trial, see Howe's *Hist. Coll. of Va.*, p. 435.

than any one citizen had done since the death of Nathaniel Bacon. Why he should have left his peaceful calling, whatever it may have been, and become a public enemy and robber is not known and is now little likely to be discovered. Certain it is, however, that he headed a dangerous insurrection in the counties of Princess Anne and Norfolk, that he aided Dunmore in his designs, and that many poor and innocent people were made the victims of atrocious outrages committed by his followers. The country was admirably suited for the operations of the bandits, for the numerous swamps afforded impenetrable hiding-places and at the same time so separated the country people from one another that they could be attacked by families. Of course the robbers had their own friends who helped them to escape and threw the officers of justice off the scent, and the distracted state of the Commonwealth, owing to the pressure of war and to Dunmore's presence, enabled them to pursue their calling with a hardihood which would have been impossible in times of peace.

The first reference to Philips that has been unearthed occurs in the *Journal of the Convention* for 1775 (page 9). A letter was read in that body on Thursday, August 3, from the officers of the volunteer companies of Williamsburg, stating "that one *Philips* commanded an ignorant disorderly mob, in direct opposition to the measures of this country, and they wished to crush such attempts in embryo." There is little doubt that this letter marks the time when the first vague rumors of Philips' doings reached Williamsburg.

For nearly two years nothing more is heard of the man, but it is evident that he was not idle, for on the 20th of June, 1777, we find the Privy Council advising the Governor, Patrick Henry, to offer a reward of one hundred and fifty dollars to whoever should apprehend and "convey to a magistrate at Norfolk County" any one of three designated persons, — Livy Sykes, Josiah Phil[1]ips, or John Ashley. This action was taken in consideration of a letter from John Wilson, county lieutenant of Norfolk, complaining of the misdeeds of insurgents and robbers, numbering ten or twelve, and headed by the above-named ringleaders.¹

The proclamation issued by Henry on the same day with the meeting of the Council referred to above seems to have been successful, for on January 3, 1778, the Council authorized the governor to issue a warrant for fifty-five pounds, "for the purpose of rewarding sundry persons for apprehending Josiah Philips."² But the

¹ *Journal of the Privy Council* (MS.), 1777-8, p. 19.

² *Council Journal*, 1777-8, p. 166.

money was spent to little purpose, for on Friday, May 1, we find Philips at the head of a band of fifty men with a price of five hundred dollars on his head and the militia of Nansemond ordered out against him.¹

At this point Wirt takes the matter up in his well-known life of Henry, and gives at length a letter from the above-mentioned Colonel Wilson of Norfolk to Governor Henry bearing date May 20, 1778. The writer recounts the difficulty of getting the recalcitrant Princess Anne militia to track the robbers to their hiding-places in the swamps, and, in a postscript, dated four days later, holds out as little hope with regard to the militia from Nansemond. The concluding sentence runs as follows: "We have lost Captain Wilson [whether a relative of the writer's or not, does not appear] since his return: having some private business at a neighbour's, within a mile of his own house, he was fired on by four men concealed in the house, and wounded in such a manner that he died in a few hours; and this will surely be the fate of a few others, if their request of the removal of the relations and friends of these villains be not granted which I am again pressed to solicit for. . . ."

Did not one know that this letter was written in Virginia in the last century, one might well fancy that it came from Ireland in this. Governor Henry at once laid it before the Council, but not before he had consulted Mr. Jefferson, who was decidedly the leading man in the House of Delegates. The Council recommended him to send it to the General Assembly, and to order a company of regular troops to the scene of action, which advice was followed in both respects.² Indeed, it is most likely that the letter which Henry on the advice of the Council transmitted to the Speaker of the House, the Honorable Benjamin Harrison, had been prepared at the instigation of Jefferson, before the meeting of the Council. This letter is given in Wirt and needs no comment here. Immediately upon its receipt, the governor's communication was read to the House and was referred to a committee of the whole on the state of the Commonwealth. This committee, after some discussion, resolved to consider the subject in a similar committee the next day (May 28).

The committee did consider, and reported that Philips and his associates ought to be attainted of high treason, unless they should surrender before a day in June to be subsequently determined. Messrs. Jefferson, Smith, and Tyler were then appointed a com-

¹ *Council Journal*, 1777-8, p. 246.

² *Ibid.* 1777-8, p. 260.

mittee to draw up the proper bill of attainder. They reported a bill on the same day, which in all probability had been previously drafted by Mr. Jefferson immediately after his interview with Governor Henry. This bill, which fixed the last day of June as the day of grace, may be found in Wirt and in Hening's Statutes.¹ It was read a second time on the following day (May 29) and ordered to be engrossed and read a third time. On Saturday, May 30, it was read a third time and passed, Mr. Jefferson being ordered to carry it to the Senate. Later in the same day, Mr. Holt came in from that body with a message that they had agreed to the measure. Such were the legislative steps in this remarkable case — steps the precipitancy of which was destined to elicit much criticism.²

A reference to the letter which the governor transmitted to the Speaker of the House will show that Henry made no specific recommendations as to the course the Legislature should pursue. There was no necessity for him to do so, for we learn from a letter which Jefferson wrote to Wirt many years later, that both the governor and himself had already agreed that a bill of attainder was the proper remedy.³ That Mr. Henry should have favored such a course causes no surprise; it was but consistent with his opposition to the insertion of a clause against bills of attainder in the state constitution of 1776, an opposition which, according to Edmund Randolph,⁴ defeated the proposal. But it is a little surprising to find the philosophic Jefferson, the friend of liberty and of the rights of man, not only agreeing in such a measure, but drawing up the bill of attainder with his own hand, and defending his action nearly forty years later.⁵ It may be well to remember, however, that not long since he had thought himself threatened with attain by the English Parliament, and that, therefore, he might have thought retaliation to the very letter amply justified in those warlike times.

¹ Hening, IX. 463.

² Wirt gives a full account of these steps, but errs in representing the Senate to have kept the bill over Sunday. Mr. Ford (*Jefferson's Writings*, II. 149, note) speaks of it as passed on the 29th. See Henry's *Henry*, I. 611-613. The facts cited may be verified by reference to the House Journal for 1778 (Spring Session), pp. 20, 22, 24, 28, 33, 35.

³ Jefferson's *Works*, VI. 369.

⁴ This is clear from a statement made on p. 66 of Edmund Randolph's *History of Virginia*, the fragmentary manuscript of which belongs to the Virginia Historical Society.

⁵ That Mr. Jefferson drew up the bill is evident, first, from his consultation with Henry, and from the short time the committee took to report the bill; secondly, from the fact that the report of the committee of the whole has been found in Jefferson's own handwriting.

Within six weeks from the passage of the act of attainder, Phillips and at least three others of his band were captured and brought to Williamsburg. Two entries in the Council Journal,¹ respecting rewards, are our sole information in regard to the capture itself; but we can form some idea of the fear caused by the desperadoes from the fact that a petition was sent to the Council, signed by a number of the inhabitants of Princess Anne and Norfolk, "praying that a strong and sufficient guard" might "be kept over Phillips and the rest of the Prisoners of his daring party of Robbers. . . ."²

The records of the General Court having been destroyed during the late war, we are indebted to the appendix to Wirt's *Henry* for what we know about the trial of the outlaws. From the extracts which Mr. Wirt had made from the records, we learn that on October 20, 1778, Phillips was indicted for feloniously taking from one James Hargrove "twenty-eight men's felt hats of the value of twenty shillings each, and five pounds of twine of the value of five shillings each pound." Of this offence, a jury found him guilty on the same day, and seven days later he was brought to the bar and, having no new plea to make (he had previously pleaded a commission from Dunmore), was sentenced to be hanged. The next day (October 28) the court ordered that the execution should take place on Friday, the fourth of December. Wirt concludes his appendix with an extract from Dixon and Hunter's newspaper of December 4, 1778, showing that the execution of Phillips and at least two of his associates did actually take place. We have thus followed Phillips the man to his deserved fate, and can afford to dismiss all further thought of him, except as the subject of his own case.

The question at once arises — why was Phillips tried for robbery when by the very terms of the act of attainder nothing was necessary but an order of the General Court for his execution? Why should the attorney-general, Edmund Randolph, have risked the chances, slight though they were, of acquittal, and the still greater chances of rescue or escape from prison consequent upon delay? Upon this point hinges, for the most part, the interest that attaches to the Phillips case; but before entering upon its discussion we must imagine that ten years have passed by, and that we are listening intently to the debate going on in the convention which sits in the Public Buildings in the town of Richmond for the pur-

¹ *Council Journal*, 1777-78, pp. 310, 348. See also *Journal of the House of Delegates*, 2d Session, 1778, pp. 39, 55.

² *Council Journal*, 1777-78, p. 296.

pose of determining whether Virginia shall ratify the new Constitution that has recently been submitted to the states.

It is the 6th of June. The governor of the state, Edmund Randolph, is addressing the convention with an eloquence which, if it equals his disregard for facts, must produce a profound impression. He is speaking of violations of the Constitution, and he says:—

“There is one example of this violation in Virginia, of a most striking and shocking nature—an example so horrid, that if I conceived my country would passively permit a repetition of it, dear as it is to me, I would seek means of expatriating myself from it. A man, who was then a citizen, was deprived of his life thus: from a mere reliance on general reports, a gentleman in the House of Delegates informed the house that a certain man (Josiah Philips) had committed several crimes, and was running at large, perpetrating other crimes. He therefore moved for leave to attain him; he obtained that leave instantly; no sooner did he obtain it than he drew from his pocket a bill ready written for that effect; it was read three times in one day, and carried to the Senate. I will not say that it passed the same day through the Senate, but he was attainted very speedily and precipitately, without any proof better than vague reports. Without being confronted with his accusers and witnesses, without the privilege of calling for evidence in his behalf, he was sentenced to death and was afterwards actually executed. Was this arbitrary deprivation of life, the dearest gift of God to man, consistent with the genius of a republican government? Is this compatible with the spirit of freedom? This, sir, has made the deepest impression on my heart, and I cannot contemplate it without horror.”¹

Whatever may have been the impression made upon Mr. Randolph's heart, it cannot be difficult to estimate the impression made upon his head. The only point upon which he expressed himself as doubtful was almost the only point about which he was correct; and what are we to say of his misrepresentations when we remember that he was not only attorney-general at the time of Philips' trial, but also clerk of the House of Delegates at the time the act of attainder was passed?

On the following day Mr. Henry rose to reply to Governor Randolph; yet, *mirabile dictu*! he did not controvert a single misstatement, but, admitting that Philips had not been executed according to “beautiful legal ceremonies,” proceeded to justify

¹ Elliot's Debates — Virginia, p. 66.

the passage of the act.¹ Henry was governor at the time of the trial and must have known all its particulars; his silence in the face of Randolph's charges can be explained, if at all, only by Jefferson's supposition that he forgot himself in the excitement of debate. In the course of his remarks Henry made the unfortunate, but perfectly true and intelligible, statement that Philips was no Socrates, whereupon Governor Randolph and John Marshall took occasion to charge him with maintaining that, because Philips was poor and ignorant, therefore he ought to have been attainted — a proceeding more creditable to their ingenuity than to their ingenuousness.²

Other members referred to the case, and all but one of the speakers assumed Randolph's representations to be correct.³ Edmund Pendleton touched upon the matter six days later⁴ (June 12), but unfortunately spoke so low that his words escaped the reporter. It is doubtful, however, whether he corrected Randolph, for three days afterwards we find Mr. George Nicholas affirming a bill of rights to be but a paper check, since Philips was executed without a trial.⁵ We shall have occasion to refer to Pendleton's remarks hereafter; at present we can only wonder that such palpable misrepresentations, reflecting as they did upon the honor of the legislature, passed without contradiction in a convention which contained not only those who had been attorney-general and governor at the time of the trial, but also the speaker of the house who had signed the bill, one, if not two, of the committeemen who had been appointed to draft it, one of the privy councillors who had discussed the case, and three of the bench of judges who had tried Philips for robbery.⁶ But we may leave the explanation of this colossal case of forgetfulness to the professed psychologist, and return to a discussion of the question just now raised — why Randolph had Philips indicted for robbery.

In Judge Tucker's *Blackstone*, first published in 1803,⁷ may be found the following statement with regard to our case:—

"In May, 1778, an act passed in Virginia, to attain one Josiah Philips, unless he should render himself to justice, within a limited time: he was taken, after the time had expired, and was brought before the general court to receive sentence of execution pursuant to the directions of the act. But the court refused to pass the

¹ Elliot, p. 140.

³ Ibid. pp. 236, 274.

⁵ Ibid. p. 450.

² Ibid. pp. 193, 223.

⁴ Ibid. p. 298.

⁶ Randolph, Henry, Benjamin Harrison, John Tyler, Meriwether Smith (?), James Madison, Joseph Jones, John Blair, and Paul Carrington.

⁷ Vol. I., Appendix, p. 293.

sentence, and he was put upon his trial, according to the ordinary course of law. — This is a decisive proof of the importance of the separation of the powers of government, and of the independence of the judiciary; a dependent judiciary might have executed the law, whilst they execrated the principles upon which it was founded."

If this view be correct, the importance of the Philips case from a constitutional point of view is manifest, for it was not until nearly two years later that Chief Justice Brearley of New Jersey delivered his opinion in the better known case of *Holmes vs. Walton*. But Judge Tucker's view has been called into question.

When Mr. Wirt was writing his life of Henry he was in the habit of applying to Mr. Jefferson for information — which was not always promptly furnished. On the 14th of August, 1814, however, he did write to Wirt about the Philips case;¹ and nearly a year later he furnished Mr. Girardin, who continued Burk's *History of Virginia*, with additional information.² From these two letters we see that he was perfectly aware of the flimsy character of Randolph's treatment of the case, and that he was equally opposed to the views of Judge Tucker that have just been cited. He says distinctly that Randolph told him, the first time they met after the Philips trial, that when Philips was taken, he (Randolph) "had thought it best to make no use of the act of attainder, and to take no measure under it; that he had indicted him at the common law for murder or robbery" — Jefferson forgot which. He then adds that the record of the case must decide between Randolph's statements to himself and the statements of the same worthy on the floor of the Convention.

The question before us, then, assumes the following forms: Did the attorney-general, of his own motion, disregard the provisions of the act and have Philips indicted for robbery, or did the court refuse in set terms to carry out the act by ordering the execution of the attainted traitor, or was the attorney-general led to understand that such would be the judges' action, whereupon of his own motion, or at their advice, he caused Philips to be indicted at common law?

Of these three forms the first may be summarily dismissed. In the only direct statement that we have from Randolph he stultifies himself by saying that Philips was really executed under the act of attainder. Then we have the very different statement

¹ Jefferson, *Works*, VI. 369.

² Jefferson, *Works*, VI. 439 (Congressional edition; Ford's ed., II. 150-154, note); Girardin, pp. 305, 306.

made to Jefferson in which Randolph takes to himself the credit of having disregarded the act—which statement, be it remembered, comes to us in a letter written by Jefferson in his old age, at least thirty years after the conversation described took place. To put it mildly, there are some slight discrepancies here; and if Randolph could be so egregiously mistaken at one time, why should he not have been mistaken at another?

The second form of the question is the one to which Judge Tucker's authority lends countenance for an affirmative answer. The learned judge has long been known as an eminent lawyer and a painstaking writer. Would he have permitted himself to make so important a statement without having investigated the subject carefully? Besides, he was in a peculiarly favorable situation for learning the facts of the case. He had been made a judge of the General Court in 1787, when two of the judges at the time of the Philips trial were still on the same bench; and he was thrown into intimate association with two ex-judges of the same period.¹ Should not these men have known the facts, and would Tucker have dared to write as he did without consulting them?

On the other hand, it must be remembered that the judges kept quiet when Philips' case was being discussed in the Convention, and that Judge Tucker is by no means explicit in giving their grounds for the action attributed to them. There was no direct prohibition of bills of attainder in the Virginia Constitution of 1776, and although in 1782 in *Commonwealth vs. Caton*² we find the judges of the same court, with one exception, clear as to their right to declare a plainly unconstitutional act void, it is at least likely that they would have hesitated openly to claim this right in 1778 upon a very doubtful point and under a constitution not formally ratified by the people. They might all have agreed that bills of attainder were dangerous, and yet some might have held as the Supreme Court of the United States did subsequently in *Cooper vs. Telfair*³—that unless such acts were specially prohibited by the state constitution, the right to make use of them inhered in the state legislature—a right, of course, taken away by the Federal Constitution. On the other hand, they might have found latitude enough in the principle laid down by the Supreme Court of South Carolina in the case of *Bowman vs. Middleton* (1 Bay, 252) that a certain title, though based on a legislative act, could not be claimed, "being against common right and the

¹ Paul Carrington, Bartholomew Dandridge, John Blair, and Joseph Jones.

² 4 Call, 5-21.

³ 4 Dallas, 14.

principles of *Magna Charta*." It seems unlikely, however, that Virginia judges took this stand.

The third form of our question appears best to deserve, on the whole, an affirmative answer. Granted that the judges did not particularly relish having to order a man to execution without a trial, and that they discussed among themselves the propriety of neglecting the provisions of the act of attainder; and granted, furthermore, that they intimated their views to Randolph, with the advice to indict Philips at common law, or that Randolph, learning their views in some way, feared that his prisoner would escape, and so indicted him,—and we have a solution that harmonizes well with the facts already cited. Furthermore, Randolph in his conversation with Jefferson might, intentionally or unintentionally, have given the latter to understand that *he* took the initiative in the affair; and Judge Tucker, reviewing the reminiscences of his colleagues in the light of a developed doctrine,¹ might easily have persuaded himself to transform a mere reluctance to perform a doubtful act into a positive refusal so to do. For we have the distinct statement of Edmund Pendleton, on the floor of the Convention, that the judges "felt great uneasiness in their minds, to violate the Constitution by such a law," followed by the apologetic statement that they had "prevented some unconstitutional acts,"² the inference, of course, being that they did not speak out plainly in the Philips case. Two very contradictory statements are thus reconciled at the expense, not of the honor, but of the memory, of the parties respectively making them, and a partial explanation is thus given of the silence of the judges in the Convention. A full explanation on their part might have revealed the fact that in 1778 they were not fully prepared to assert their independence of the legislature and their supervisory powers over its acts.

It would be interesting to know whether the Philips case was cited in the Philadelphia Convention of 1787 when the clause forbidding the states to make use of bills of attainder was under discussion; but the Journal is silent on the point. It would be

¹ *Marbury vs. Madison* (1803) is, of course, the great case that marks the development of the doctrine as far as the General Government is concerned; but one has only to read carefully the opinions in *Commonwealth vs. Caton* (1782, 4 Call, 5-21); in the *Case of the Judges* (1788—see Henning, XII. 532, 644, 764; *Journal of House of Delegates*, Extra Session, June 23-30, 1788; 4 Call; 1 *Virginia Cases*), and in *Kemper vs. Hawkins* (1793, 1 *Virginia Cases*, 20), to see whence Marshall derived the lucidity and boldness that marked his historic utterances. President Lyon G. Tyler deserves credit for having called emphatic attention to a fact still strangely overlooked by students of Marshall's career. See his *Letters and Times of the Tylers*, I. 177 seq.

² Elliot, p. 299.

interesting also to compare the case with other instances of the use of bills of attainder in this country; but space is wanting, nor has the writer had access to as full materials as he could desire. As the numerous acts passed against Tories after the Revolution began were more for purposes of confiscation of property than of capture and punishment of offenders, they cannot profitably be compared with the act against Philips, in whose case capture and punishment constituted the main objects of the legislators. When the latter act is compared with those passed against William Claiborne (Maryland, 1637), Bacon and his followers (Virginia, 1677), Billy, an escaped slave (Virginia, 1701, — a curious case), and Richard Clarke (Maryland, 1705), it will be seen that not only is the Philips case a perfect example of the deliberate use of the dread power of attainder, but that it teaches us that written instruments are not, in troublous times, the inviolable safeguards of individual liberty that they are often supposed to be. The attainder of Josiah Philips was approved by men who, not two years before, had discussed and adopted the Declaration of Rights drafted by George Mason.

W. P. TRENT.

LIGHT ON THE UNDERGROUND RAILROAD¹

THE so-called Underground Railroad, as a phase of our anti-slavery history, has thus far been subjected to very limited critical study. Henry Wilson speaks of the romantic interest attaching to the mass of incidents which makes up the printed sources on the subject, but for some reason the romance of this theme—not outdone by the reality disclosed by investigation—has been insufficient to attract extended research.

There are only four books dealing specifically with the subject: namely, the *Reminiscences of Levi Coffin*; *Underground Railroad Records*, by William Still; the *Underground Railroad in Chester and the Neighboring Counties of Pennsylvania*, by R. C. Smedley; and the *Underground Railroad*, by Rev. W. M. Mitchell. An examination of them shows how circumscribed and local in character is the literature upon the subject, and warrants hopes of discovery for the student who has faith and patience enough to keep him collecting the hidden, scattered data. He can scarcely expect to find much in the way of documents and diaries. The legislative restraints upon the rendering of aid to slaves bent on flight to Canada were, of course, very real to the minds of those who pitied the bondsman, whether the well-informed lawyer, like Salmon P. Chase and Joshua R. Giddings, or the illiterate negro whose fellow-feeling was sufficiently sagacious to avoid the open violation of what others might call the law of the land. Written evidence of complicity was for the most part conscientiously avoided, and the occasional tell-tale letter or the rare fragment of a memorandum now to be found, bears unmistakable signs of intended secrecy. The proper names are blotted out, or a cipher is employed. The history of the Underground Railroad must be written, therefore, if it be written at all, out of the recollections of abolitionists as the main source of information.

Underground operations practically ceased with the beginning of the Civil War. In view of the lapse of time, the reason for

¹ This article is a preliminary study. As the writer is still in search of data, he will be glad to correspond with any persons having information on the subject. Address, W. H. Siebert, 40 Shepard Street, Cambridge, Mass.

saying something about the credibility of the evidence upon which our knowledge of the Underground Road must be based is apparent. It is a fact of common observation that old persons ordinarily remember the occurrences of their youth and prime better than events of recent date. The abolitionists, as a class, were people whose remembrances of the ante-bellum days were deepened by the clear definition of their governing principles, the abiding sense of their religious convictions, and the extraordinary conditions—legal and social—under which their acts were performed. The risks these persons ran, the few and scattered friends they had, the concentration of their interests into small compass because of the disdain of the communities where they lived, have secured to us a source of knowledge of which the reliability can scarcely be questioned. If there be a single doubt on this point it must give way before the manner in which statements gathered from different localities during the last four years articulate together, the testimony of witnesses unknown to each other combining to support each other.

The elucidation by new light of some obscure matter already reported, the verification by a fresh witness of some fact already discovered, gives at once the rule and test of an investigation such as this. Out of the many illustrations which might be given I offer one. Having grounds for believing that Portsmouth, Ohio, was one of the initial stations of an underground line of travel, I obtained, by correspondence with Mr. Henry Hall, the mayor of the town, a letter stating that Milton Kennedy and his brother-in-law Joseph Ashton had aided fugitive slaves in that neighborhood, and urging that I visit Portsmouth in order to get fuller information. When, after nineteen months, I got to Portsmouth, Mr. Kennedy was in the West, but I made the acquaintance of an intelligent colored man—a barber, J. J. Minor by name—himself an old-time “agent” of the “road,” who corroborated the report about Mr. Kennedy’s connections with the underground work, and gave a straightforward account of what he called “the regular line” up the Chillicothe pike seven miles, to the houses of two colored men (Dan Lucas and Joseph Love), and thence to a settlement of colored people in Peble township in the north central part of Pike County.

To make even a partial collection of this scattered material has been a long task. During the last four years, in the intervals of respite from teaching, I have gathered some twenty-five hundred written or dictated statements, and have made an effort to visit all the places in the state of Ohio where former employés of the

Underground Railroad could be found. Last year I was able to extend these explorations to southern Michigan, and among the surviving fugitives along the Detroit River in Canada West.

The materials thus collected relate to the following states, viz.: Iowa, Illinois, Indiana, Ohio, Michigan, Pennsylvania, New Jersey, New York, Connecticut, New Hampshire, Rhode Island, Massachusetts, Vermont, and Maine, with a few items concerning Delaware, Maryland, and Wisconsin. A casual comparison of the red-line tracings in different states on the map will show the relative extent in the various states of the underground lines of travel thus far unearthed.

Attention is called to several noteworthy points on the map. The first deserving mention is the most striking, viz., the geographical extent of these secret routes to liberty. The region traversed by the paths forms nearly one-quarter of the present area of the Union. The concavity of its irregular crescent shape brought Canadian freedom close enough to attract slaves not merely from the border slave states, but from the Carolinas, Tennessee, and even in rare cases from "the far South." The second point to be noted is the relatively large number of interlaced lines by which Ohio is crossed. The general trend of these is, of course, towards Lake Erie. The explanation of this multitude of fugitive trails through Ohio is a little complex, but the complexity can easily be disentangled. The state's geographical position and the reach of its southern boundary gave it a longer line of contact with slave territory than that possessed by any other state. It bordered Kentucky with some two hundred and seventy-five miles of river frontage and Virginia with a hundred and fifty miles or more. The crossing of this "Jordan" of the slave was made at almost any point where a boat could be found. That the character of the early settlements in Ohio is a factor not to be omitted is proved by the close network of paths which zigzag from Marietta across the Western Reserve to places of deportation on the lake, linking together many little communities where New England ideas prevailed. With Joshua R. Giddings these communities claimed to have borrowed their abolition sentiments from the writings of Jefferson, whose "abolition tract," Giddings said, "was called the Declaration of Independence."¹

It must not be forgotten in dealing with this comparative showing of Ohio and other states that the energy of this research has been largely confined to Ohio. Perhaps similar lines may be traced in Pennsylvania.

¹ *Life of Joshua R. Giddings*, by George W. Julian, p. 157.

The zigzag character of the routes has just been mentioned. It deserves, perhaps, some emphasis, as also the radiation in frequent cases of several lines from one centre, and the horizontal connections of routes which, roughly speaking, are parallel. This constitutes our third point. The features mentioned are characteristic, and serve to show that the safety of fugitives was never sacrificed by the abolitionists to any thoughtless desire for rapid transit. Zigzag was the sure mode. It was one of the regular devices to blind and throw off pursuit, just as was conveyance after night. In times of special emergency travellers would be switched off from one course to another, or taken back on their track and hidden for days or even weeks, then sent forward again. It can scarcely be doubted that the circuitous land route from Toledo to Detroit was a natural expedient of this kind. Slave-owners and their agents were often known to be on the lookout along the direct thoroughfare between the places named. Notwithstanding the extreme severity of the fugitive slave law of 1850, the number of arrests of persons claimed as fugitives during the five years and eight months after its passage was somewhat more than two hundred.¹ These were the known captures. There may have been many others which never attracted attention. It is highly probable that but few of these are chargeable to the carelessness or cowardice of parties engaged in the underground service.

A fourth point which the map might suggest relates to a few long stretches of road which had apparently no way-stations where the footsore refugee could get rest and food preparatory to the next night's journey. It will be noticed that such sections are drawn as being identical with certain branches of the canal and railway systems of different states. The tow-paths of some of our western canals formed convenient highways to liberty for a considerable number of self-reliant fugitives. A letter of recent date (December 5, 1895), from Bloomfield, Ind., illustrates this fact. The writer (E. C. H. Cavins) states that the Wabash and Erie Canal became a thoroughfare for slaves, who would follow it from the vicinity of Evansville, Ind., until they reached Ohio, probably

¹ "More than two hundred arrests of persons claimed as fugitives were made from the time of the passage of the Bill to the middle of April, 1856. . . . These arrests took place more frequently in Pennsylvania than in any other Northern state. Many fugitives were caught and carried back, of whom we have no account. . . . When arrests to the number of two hundred, at least, can be traced, and their dates fixed, during six years, we may suppose that the Bill was not, as some politicians averred, practically of little consequence." — *Life and Correspondence of Theodore Parker*, by John Weiss, Vol. II. p. 93.

in some instances going as far as Toledo, though usually, as the writer believes, striking off on one or another of several established lines of underground road in central and northern Indiana. The identity of a few of the tracings with the road-beds of the modern type of railway signifies, of course, transportation by rail when the situation would admit of it. Sometimes, when there was not the usual eagerness of pursuit, and when the intelligence or Caucasian cast of the fugitive warranted it, the traveller, with the necessary ticket and instructions, was put aboard the cars for his or her destination. In Illinois the Illinois Central Railroad from Centralia, Marion County, to Chicago was incorporated in the underground service; so also was the Chicago and Rock Island Railroad from Peru, LaSalle County, to the same terminus. The old Mad River Railroad (or Sandusky, Dayton, and Cincinnati Railroad of western Ohio — now a part of the "Big Four" system) bore many dark-skinned passengers from Urbana, if not also from Cincinnati and Dayton, to Lake Erie. In eastern Ohio the Cleveland and Pittsburg Railroad, from Alliance to Cleveland, was much patronized during several years by instructed runaways. Similar benefits were rendered by certain railroads in New England, some of whose officials were abolitionists. The New York, New Haven, and Hartford Railroad and the Vermont Central may be cited as instances.

In the fifth place, attention is asked to the terminals or places of deportation along our northern and northeastern boundary. There were eighteen of these. Of course these ports were not called upon to send to English soil all those who liberated themselves by flight. Doubtless many, many hundreds, little realizing the risks they were taking, settled in the Northern states, in neighborhoods where the presence of Quakers, Wesleyan Methodists, Covenanters, and Free Presbyterians, or people of their own color, gave them the assurance of safety. The disappearance from their accustomed haunts of many of these fugitive settlers in the free states, after the passage of the fugitive slave bill of 1850, and the sudden influx of blacks over the Canadian borders, are two complementary facts whose significance is best seen when they are taken together.

There is one other point graphically displayed, viz., the lines of boat service to the Canada termini. Among the steamboats which plied their traffic on the lakes there were some whose captains were ever ready to give passage to colored emigrants. Captain Willibur of the *Michigan* welcomed a band of fugitives who came aboard his boat at Sandusky, with the greeting: "Well, I

wish all Kentucky was aboard." It frequently happened that both pursuers and pursued would find themselves in company on the same steamer. Under such circumstances, the abolitionist captain chose to touch at some point on the Canadian side, before landing at an American port. The *Illinois*, running between Chicago and Detroit; the *Bay City*, the *Arrow*, and the *Mayflower*, between Sandusky and Detroit; the *Forest Queen*, the *Morning Star*, and the *May Queen*, between Cleveland and Detroit; the *Phæbus*, a little boat plying between Toledo and Detroit, as well as some scows and sail-boats, are among the old crafts of the great lakes held in grateful remembrance by the aged survivors of fugitive slave days in Canada West. Vessels engaged in our coast-wise trade became more or less involved in transporting slaves from Southern ports, for example, from Norfolk and Portsmouth, Va., to the New England coast, sometimes without the knowledge of the shipmaster; sometimes, no doubt, with his connivance, or with the knowledge of his men. North-bound steamboats on the Mississippi and Ohio rivers not infrequently provided the means of escape.

The origin of the Underground Road dates farther back than is generally known, though, to be sure, the different "divisions" of the road were not contemporary in development. A letter of George Washington, bearing date May 12, 1786, gives the first report, so far as I know, of the earliest systematic efforts for the aid and protection of fugitive slaves. He speaks of the case of a certain Mr. Dalby, residing at Alexandria, whose slave has escaped to Philadelphia, and "whom a society of Quakers in the city, formed for such purposes, have attempted to liberate."¹ From the beginning of 1800, if not in the preceding decade, we may safely regard as continuous the record of Philadelphia as a centre of active sympathy with the fugitive slave. New Jersey engaged in the cause of immediate emancipation nearly, if not quite, as early. The work in Ohio and the adjoining states appears to have commenced at least as far back as 1816-1817. The first known case of the despatching of a fugitive from Chicago to Canada occurred in 1839, and the befriending of Missouri chattels in southeastern Iowa began in this same year. The New England states are also known to have had "regular stations" — as the places of concealment were called — by this time. The Underground Railroad, then, had grown into a wide-spread "institution" before the year 1840, and in several states it had existed during

¹ Sparks's *Washington*, IX. 158, quoted in *Quakers of Pennsylvania*, by Dr. A. C. Applegarth, Johns Hopkins Studies, X. 463.

previous decades. This statement coincides with the findings of Dr. Samuel G. Howe in Canada, while on a tour of investigation there, in 1863. He reports that the arrivals of runaway slaves in the Dominion "were at first very rare, . . . but" that "they increased early in the century. . . ." He continues that "some [of the fugitives], not content with personal freedom and happiness, went secretly back to their old homes, and brought away their wives and children at much peril and cost. . . . Hundreds," he says, "trod this path [referring to the Underground Road] every year, but they did not attract much public attention."¹ It does not escape Mr. Howe's consideration, however, that the fugitive slaves in Canada were soon brought into public notice by the diplomatic negotiations between England and the United States during the years 1826-1828, the object of those negotiations being—as Mr. Clay, the Secretary of State, himself declared—"to provide for a growing evil." The evidence gathered from surviving abolitionists in the states adjacent to the lakes shows an increased activity of the Underground Road during the period 1830-1840. The reason for flight, given by the slave, was in the great majority of cases the same, viz., fear of being sold to the far South. It is certainly significant in this connection, that the decade above mentioned witnessed the removal of the Indians from the Gulf states and, in the words of another contemporary observer and reporter, "the consequent opening of new and vast cotton fields." This observing person continues aptly: "Since 1840, the high price of slaves may be supposed . . . to have increased the vigilance and energy with which the recapture of fugitives is followed up, and to have augmented the number of free negroes reduced to slavery by kidnappers. Indeed, it has led to a proposition being quite seriously entertained in Virginia, of enslaving the whole body of the free negroes in that state by legislative enactment."² The swelling emphasis laid upon the value of their escaped slaves by the Southern representatives in Congress, and by the South generally, resounded with terrific force at length, in the fugitive slave law of 1850. That act did not, as it appears, check or diminish in any way the number of underground rescues. In spite of the exhibit on fugitive slaves made in the United States census report for 1860, it is difficult to doubt the consensus of testimony of many underground agents, so-called, to the effect that

¹ *The Refugees from Slavery in Canada West*, Report to the Freedman's Inquiry Commission, by S. G. Howe, 1864, pp. 11, 12.

² G. M. Weston, in his *Progress of Slavery in the United States*, Washington, D.C., 1858, pp. 22, 23.

the decade from 1850-1860 was the period of the road's greatest activity in all sections of the North.

How great may have been the loss sustained by slave-owners through the hidden channels of escape I cannot now undertake to estimate. But I am constrained to say that those who compiled the statistics on fugitive slaves in the United States census compendiums for 1850 and 1860 seem not to have secured the facts in full. These compendiums show a marked decline of the slave population in the border slave states during the decade intervening; still more, they show a greater percentage of decline in the northernmost counties of these states than in the states as a whole; and, what is even more remarkable, the loss is a little greater during this time in the four "pan-handle" counties of Virginia than in any of the states referred to, or in the border counties of any one of them. It is natural that there should be great variation among the guesses made as to the total number of those indebted for liberty to the Underground Road. To add another guess would be only increasing the uncertainty. There were very, very few of the persons who harbored runaways indiscreet enough to keep a register of their hunted visitors. Their hospitality was equal to all possible demands, but it was none the less meant to be kept strictly secret. Under these circumstances one should handle all numerical generalizations with caution.

What one usually gets from the aged man who endured hazards and ill-repute for conscience' sake is an account of a small number of peculiar or stirring cases which came within his observation; for example, hairbreadth escapes of fugitives from recapture, the successful flight of a slave family, or of an octoroon girl, and so forth. Aside from such data one gets sometimes a pretty definite impression of the frequency of the trips made over one or another route, and even, in rare instances, a positive statement as to the number sheltered in a single household or a certain locality during a more or less limited period.

By rare good luck I happen to have found one leaf of a diary kept by a Friend or Quaker of Alum Creek Settlement, Delaware County, Ohio, which gives a record of the blacks passing through his neighborhood during an interval of five months,—from April 14 to September 10, 1844. The number he gives is forty-seven. The year in which this memorandum was made may be fairly taken as an average year and the line on which this Quaker settlement was a station as a representative underground route in Ohio. Now along Ohio's southern border there were the initial stations of at least twelve important lines of travel, some of which were

certainly in operation before 1830. Let us consider, as we may properly, that the period of operation continued from 1830 to 1860. Taking these as the elements for a computation, one discovers that Ohio alone must have aided not less than 40,000 fugitives in the thirty years included in our reckoning. By actual count it is found that the number of persons within Ohio, named as underground workers in the collections upon which this paper is largely based, is 1076. It is proper to observe that this figure is a minimum figure. Death and infirmity, as well as removal, have carried many unknown operators beyond the chance of discovery.

One other illustration of underground activity may here be ventured. Mr. Robert Purvis, of Philadelphia, states that he kept a record of the fugitives who passed through the hands of the Vigilance Committee of Philadelphia for a long period, till the trepidation of his family after the passage of the fugitive slave bill in 1850 caused him to destroy it. His record book showed, he says, an average of one a day sent northward. In other words, between 1835 and 1860 over 9000 runaways were aided in Philadelphia. But we know that the Vigilance Committee did not inaugurate this sort of work in the Quaker City, and that underground activities there date back at least to the time of Isaac T. Hopper's earliest efforts, that is, 1800 and before.

In bringing together the testimony presented in this paper, I have kept myself to original sources, and have quoted eye-witnesses only. The limitations of space prevent my saying aught of the concurrent or indirect results of the Underground Road and its workings. Its operations constantly produced aggravation in the South, and the pursuit of passengers, mobs, and violence were results widely witnessed in the North. In just this way many Northern men received their first impression of the abomination of slavery. Such object lessons made abolitionists rapidly, and more aggravation on both sides was the consequence. Thus for years the fugitive slave was a missionary in the cause of freedom. What he could accomplish under favorable circumstances is seen in the impression he produced on the thoughts of a lady who was herself an agent of the Underground Railroad, — Mrs. Stowe, the author of *Uncle Tom's Cabin*.

WILBUR H. SIEBERT.

THE FIRST SIX WEEKS OF McCLELLAN'S PENINSULAR CAMPAIGN

IF one desires to read a chapter of blunders, or wishes to show how costly it is for a peace-loving people devoted to an industrial civilization to learn the lesson of war, or if he would have an example how decisive events fail of accomplishment wholly for the lack of a great general, let him read the story of McClellan's Peninsular Campaign. The plan itself was an unfortunate one. Not that from a military point of view it was inherently bad, for that contention is probably disposed of by the fact that twice and perhaps thrice during its attempted execution the chances were more than even that McClellan's noble and faithful army would go into Richmond had he given the word of attack, and had he been present on the field of battle to issue the orders and to make the disposition of forces that hardly would have failed to suggest themselves to a man of his technical training. The plan of the Peninsular Campaign was an unfortunate one, from the fact that the President's consent to it had actually been wrung from him, his objection being that to make the advance upon Richmond *via* Fortress Monroe and the peninsula between the York and James rivers deprived Washington of the protection of the main Federal army. Had McClellan been a man who looked at facts as they were, instead of as he wished them to be, he would have appreciated that he could not expect as perfect co-operation from Lincoln as if he had determined upon a direct advance overland to Richmond, which was the plan favored by the President, and which at least had equal military merit with the other. The second blunder lay in the misunderstanding between Lincoln and McClellan as to the proper force which should be left to protect Washington, and which resulted in the withdrawal from the General's command of McDowell's corps of 35,000 men. Yet as it is the consensus of opinion that it was the lack of generalship and not the lack of men which caused the failure of the campaign, that failure may not be imputed to the President for doing what in his best judgment was necessary to do for the safety of the capital.

April 2, 1862, McClellan reached Fortress Monroe. April 3, according to his own figures, he had with him, ready to move,

58,000 men ; and the rest of his force, which he maintains made his effective total but 85,000, and which the President insisted made 108,000, was coming to him as fast as transports could bring them from Alexandria. April 4 the army began to move, and the next day appeared along the whole front of the Confederate line, which stretched from Yorktown across to the James River, a distance of thirteen miles. To hold this line Magruder had 11,000 men, and his reinforcements were arriving very slowly. McClellan's general report, written August 4, 1863, confirmed as it is by a private letter written to his wife when he was before Yorktown, makes it clear that he entertained a simple and correct plan of operations, which was by rapid movements to drive the enemy before him, open the James River, advance on Richmond and attack it before the Confederate Army of Northern Virginia could receive large reinforcements. Political as well as military considerations favored such a course. The Union victories in the Southwest, chief of which was the capture of Fort Donelson, had caused gloom and demoralization in the capital of the Confederacy, and the recovery from the depression had at this time only begun. A quick advance menacing Richmond would have intensified the dismay of its citizens. McClellan was before the Confederate line of Yorktown with 58,000 troops, reinforcements constantly arriving, and that line was defended by only 11,000. Why did he not make an attack? "Instant assault," he wrote, August 4, 1863, "would have been simple folly." Several excellent authorities maintain, on the contrary, that it would have been the highest wisdom. Indeed, no knowledge of military criticism is necessary to see that unless an army of 58,000 could break through a long line defended by only 11,000, it had no business to venture on an offensive movement. Moreover, McClellan had the authority of his government to make an assault, and in a war waged by a republic such backing ought to be grateful to its general. April 6 the President telegraphed him, "I think you better break the enemy's line from Yorktown to Warwick River at once." The general had a profound contempt for the opinion of the Washington authorities, and in his answer piled up the difficulties with which he had to contend, and complained of the inadequacy of his force. To his wife, with whom he shared his inmost thoughts, he wrote : "The President very coolly telegraphed me yesterday that he thought I had better break the enemy's lines at once! I was much tempted to reply that he had better come and do it himself." April 9 Lincoln wrote McClellan the noble, pathetic, and sensible letter which is often reproduced or quoted from, and which contains, as a direction for

the future, the remark, "It is indispensable to you that you strike a blow." The young general failed to take the course which every consideration prompted, from two defects in the working of his mind. He was irresolute; he habitually overestimated the force of the enemy. For a conceited man and unsuccessful general, McClellan wrote and talked too much, and he had at this time various opinions as to the strength of the enemy he must encounter; but on April 7 he was sure that General Joseph E. Johnston had arrived in Yorktown with strong reinforcements, and that he should have the whole force of the enemy on his hands, which was probably not less than 100,000. It is quite true that as soon as McClellan began his advance towards Yorktown, reinforcements commenced to arrive for Magruder, so that by April 11 he had an aggregate of 31,500, but by this time the Union army reached the number of 100,000 men present for duty. Up to this date, therefore, there was no time when McClellan had not three men to one of the Confederates. April 17 Joseph E. Johnston took command in person at Yorktown of an army which had then reached the number of 53,000. McClellan had missed the golden opportunity for an assault, and perhaps from this time on nothing could have been better than a continuance of the scientific siege operations which he began soon after his arrival before Yorktown.

He went on erecting siege works and planting heavy Parrott guns and mortars against the Confederate fortifications, maintaining all the while a lively correspondence with the department at Washington and with his wife at home. In his letters to the President and the Secretary of War, he resented bitterly that McDowell's corps had been withdrawn from his command; he complained of the smallness of his own force, and intimated that he was outnumbered by the Confederates; he had much to say of the rainy weather, and of the roads deep with mud. To his worshipping and devoted wife, he told of the disadvantages he was laboring under and of his many troubles, in a tone that at times degenerated into childishness; some of his letters, indeed, sound as if they had come from a youth not yet grown, rather than from the captain of a great army. When not childish, he is pursued by phantoms. Not only "the rebels," but "the abolitionists and other scoundrels," are aiming at his ruin. It is the men at Washington to whom he refers when he writes: "History will present a sad record of these traitors who are willing to sacrifice the country and its army for personal spite and personal aims." The President, yearning for the success of McClellan and eager to do every-

thing to effect it, sent him Franklin's division of McDowell's corps; this reached him April 22. Still McClellan did not open a general attack from his batteries. April 28 he called for some 30-pounder Parrott guns from Washington, which brought forth this answer from the President: "Your call . . . alarms me, chiefly because it argues indefinite procrastination. Is anything to be done?"

Turning from the contemplation of the Union general to Johnston, one is impressed with the good fortune of the South in having an able commander for its principal army at the commencement of the war instead of being obliged, as was the case of the North, to grope about in a painful search, through bitter trial and sickening failure, of a general fit to lead the Army of the Potomac. Johnston coolly watched the operations of his adversary, and, surprised that at first he had not assaulted the Confederate line, and now pleased that he delayed the bombardment, wrote with a certain measure of contempt to Lee, "No one but McClellan would have hesitated to attack." When these elaborate siege operations were nearly completed, the Confederate general decided that Yorktown was untenable, and on the 3d of May evacuated it and the adjacent defensive works, with the intention of withdrawing his army to the neighborhood of Richmond. Magruder and Johnston had gained a month, a delay of inestimable value to the Confederate cause. During that month the Richmond Congress passed the Conscription Act; the work of reorganizing the Confederate army and training the Virginia militia went on.

The evacuation of Yorktown took McClellan by surprise. Anticipating serious resistance, he had expected three days later to open with his batteries. Nevertheless, he gave orders for immediate pursuit, while he himself remained at Yorktown to superintend the embarkation of Franklin's division on transports, which should go up the York River. Hooker, with his division, overtook the enemy, and began the battle of Williamsburg, which was fought without a plan, under confused orders and defective disposition of forces, and which, though somewhat relieved by a brilliant exploit of Hancock, then commander of a brigade, resulted in a Union defeat and considerable loss. McClellan arrived on the field at about five o'clock in the afternoon, receiving, as he always did, loud and enthusiastic cheers from his men, but the battle of Williamsburg was over. He made a disposition of forces for the conflict which he expected would be renewed on the morrow, but that night the Confederates marched away from Williamsburg, in pursuance of their retreat to Richmond. McClellan

followed with almost incredible slowness. From Williamsburg to the place where his army went into camp on the Chickahominy, a distance of forty to fifty miles, it took him a fortnight to march. The roads, of course, were bad. In a somewhat merry mood he enlivens his book with an anecdote of which he more than once thought during this campaign, and from which he might have drawn an apposite lesson. McClellan asked an old general of Cossacks who had served in all the Russian campaigns against Napoleon, how the roads were in those days. "My son," he replied, "the roads are always bad in war." Virginia mud is a factor which must be taken into account in the consideration of many campaigns, but the young general exaggerated the inclemency of the weather and the difficulty of the roads even as he did the force of the enemy. Lincoln, undoubtedly weary of this constant grumbling, and observing that the Confederates marched in spite of bad roads, and made attacks in spite of rough weather, once wittily said: "McClellan seemed to think, in defiance of Scripture, that Heaven sent its rain only on the just and not on the unjust."

On the morning of May 11, when nineteen miles beyond Williamsburg, McClellan learned that the Confederates had evacuated Norfolk and destroyed the iron-clad *Merrimac*. This opened up the James River to the Federal vessels and gunboats, and should, by the highest military considerations, have suggested to him that that river offered the more advantageous line of advance on Richmond, making available as it did the co-operation of the navy, avoiding the fever-breathing swamps of the Chickahominy, and threatening the most important communication of the Confederate capital with the states farther south. McClellan is wise after the event, and in his report of August 4, 1863, and in his book acknowledges that the approach to Richmond by the James was a safer and surer route than the one adopted; but with his incapacity to admit that he ever made a mistake, he ascribes his evident failure in strategy to the administration at Washington. Repeatedly asking for reinforcements, he sent, May 14, to the President a respectful and reasonable despatch, the gist of which was: "I ask for every man that the war department can send me by water." Four days later the Secretary of War replied, that while the President did not deem it wise to uncover the capital entirely by sending the forces available by the water route, he had, however, ordered McDowell with his 35,000 or 40,000 men to march from his camp opposite Fredericksburg overland and join the Army of the Potomac either

north or south of the Pamunkey River, and he directed McClellan to extend his right wing north of Richmond in order to establish this communication as soon as possible. This command, declares McClellan, is the reason why I did not operate on the line of the James. Yet the statement is effectually disproved by his official and private correspondence at the time, in which there is not the slightest allusion to a desire to make such a movement; in fact, the tenor of all his despatches and letters is that he expected to fight Johnston's army between the Chickahominy River and Richmond. Moreover, he knew of the destruction of the *Merrimac* May 11, and he did not get the notice of the promised reinforcement by McDowell until the 18th, giving him a full week to consider and adopt the plan of moving on to Richmond by the line of the James River, which he had unhampered power to do and which is exactly what he should have done.

As soon as the destruction of the *Merrimac* was known, the *Monitor* and several gunboats started up the James. Their approach to Richmond caused more of a panic in that city than did any direct menace of McClellan's army of 100,000 during the whole of the Peninsular Campaign. There were indeed anxious hearts in the capital city when the Union troops first appeared before Yorktown; but when McClellan, instead of attacking the Confederates, went on with his scientific siege operations, anxiety gave way to wonder and to contempt for his generalship. The fall of New Orleans was a blow, and the destruction, a fortnight later, of the *Merrimac* — "that great gift of God and of Virginia to the South"¹ — seemed disaster crowding upon disaster. Although McClellan's military ability was despised, the march towards the capital of the Confederacy of his well-trained and equipped army could not be looked on without apprehension. While there was a quiet confidence in Johnston, strictures on Jefferson Davis were not uncommon. Of him who became the greatest Southern commander and who was now acting as military adviser to his President, the *Richmond Examiner* said: "Evacuating Lee, who has never yet risked a single battle with the invader, is commanding general;" and, after Yorktown had been given up, it sneered at "the bloodless and masterly strategy of Lee." We must bear all these circumstances in mind to understand the trepidation with which the people heard that the *Monitor* and the Federal gunboats were at City Point, afterwards within twelve miles and then within eight miles of Richmond. Davis had himself baptized at home and the rite of

¹ *Richmond Examiner*, May 13.

confirmation administered to him in the Episcopal Church of St. Paul's. He had appointed by public proclamation a day for solemn prayer. A victim to anxiety, he insisted that his wife and family should go to Raleigh. The families of the cabinet secretaries fled to their homes. These facts, and the adjournment of the Confederate Congress the previous month, seemed to lend confirmation to a report now gaining ground that Richmond would be abandoned. The packing of trunks was the work of every household; refugees crowded the railroad trains. People fled in panic from the city with nothing but the clothes they had on; and their action was not from baseless fear. New Orleans, they thought, had been ignobly surrendered. What should save Richmond? Davis's letters to his wife breathe discouragement. "I have told the people," he wrote, "that the enemy might be beaten before Richmond or on either flank, and we would try to do it, but that I could not allow the army to be penned up in a city." The evidence seems good that the government archives had been sent to Lynchburg and to Columbia.

May 15, the *Monitor* and the Federal gunboats reached Drewry's Bluff, eight miles below Richmond, on the James River. There they encountered a heavy battery and two separate barriers formed of spiles, steamboats, and sail vessels, and found the banks of the river lined with sharpshooters. As the boats advanced, the Confederates opened fire; this was soon returned, and the battle was on. Richmond heard the sound of the guns, yet consternation did not reign. The panic-stricken had left the city, and resolute citizens had stemmed the current of alarm. The day previous, the General Assembly of the Commonwealth resolved that the capital should be defended to the last extremity, and appointed a committee to assure President Davis that all loss of property by the state and by the citizens involved in such a determination would be cheerfully submitted to. Davis said to the committee: "It will be the effort of my life to defend the soil of Virginia and to cover her capital. I have never entertained the thought of withdrawing the army from Virginia, and abandoning the state. If the capital should fall, the necessity of which I do not see or anticipate, the war could still be successfully maintained on Virginia soil for twenty years." To the sound of the enemy's guns, Governor Letcher affixed his hand and seal to a call for a meeting at the City Hall for the purpose of providing for the defence of Richmond. Before the time of the meeting, the news came that the Federal gunboats had been repulsed, and this added joy to the enthusiasm with which the assembled citizens listened to the

pledges of the governor and the mayor that the city should never be surrendered. Confidence was restored, and not again during this campaign of McClellan was it so rudely disturbed. There had been a fine chance for an energetic Union general who knew his enemy. After the naval engagement of May 15, it was the opinion of Seward, then on a visit to the scene of operations, that a force of soldiers to co-operate with the navy on the James River "would give us Richmond without delay." While McClellan failed to take advantage of the favors which fortune lavished upon him, the public of the Confederacy, as well as its generals, had their opinion of this Fabian commander confirmed, and they could not conceal their derision at his lack of enterprise.

If the hopeful North and the anxious South could have known McClellan's inward thoughts during these days, there would have been reason neither for hope on one side nor anxiety on the other. In his letters to his wife, he spoke of his defeat at Williamsburg as a "brilliant victory," and asserted that he had given the Confederates "a tremendous thrashing." May 12 he asked, "Are you satisfied, now, with my bloodless victories?" and May 15 he wrote, "I think that the blows the rebels are now receiving and have lately received ought to break them up."

This is the story of six weeks, or of one-half of the Peninsular Campaign; for it was confessedly a failure when, in the last days of June, McClellan retreated with his shattered army to the James River. In the two battles of Fair Oaks and Gaines's Mill, fought almost a month apart, his tactics were timid and disjointed. He showed himself incompetent to manage an army of 100,000. Nor is this surprising. In June, 1862, it may well be doubted whether, in either the Union or the Confederate army, there was an officer who could handle so large a number of troops to the very best advantage. From Savannah, in January, 1865, William T. Sherman wrote his brother, saying that he did not care to accept the commission of lieutenant-general. "Of military titles," he added, "I have now the maximum, and it makes no difference whether that be major-general or marshal. It means the same thing. I have commanded 100,000 men in battle and on the march successfully and without confusion, and that is enough for my reputation." This letter suggests what may be said in defence of McClellan. It is nevertheless certain that in June, 1862, there were several men South and several men North who could have handled that army better than did McClellan.

The consideration of McClellan's mistakes does not exhaust the chapter of blunders. Stonewall Jackson's brilliant raid into

the Shenandoah valley brings into relief the blunders of Banks and of Frémont. It shows, too, that the story of this campaign cannot be truly told without animadverting on the error of the President in putting such men as Banks and Frémont into places of military responsibility.

JAMES FORD RHODES.

RECENT MEMOIRS OF THE FRENCH DIRECTORY

Mémoires de Larevellière-Lépeaux, membre du Directoire de la République Française et de l'Institut National, publiés par son fils, sur le manuscrit autographe de l'auteur, et suivis des pièces justificatives et de correspondances inédites. 3 vols. (Paris: E. Plon, Nourrit et Cie. 1895.)

Memoirs of Barras, Member of the Directorate, edited, with a general introduction, prefaces, and appendices, by George Duruy. 4 vols. (New York: Harper and Brothers. 1895-1896.)

Mémoires du général baron Thiébault, publiés sous les auspices de sa fille Mlle. Claire Thiébault, d'après le manuscrit original, par Fernand Calmettes. Vol. II. 1795-1799. (Paris: E. Plon, Nourrit et Cie. 1894.)

Mémoires du général baron Roch Godart (1792-1815), publiés par J. B. Antoine. (Paris: E. Flammarion. 1895.)

STUDENTS of modern history, and more particularly students of the modern history of France, have been for years anxiously awaiting the publication of the memoirs of the two men who played the most conspicuous part in the phase of revolutionary history which lies between the government of the National Convention and the restoration of order in France during the Consulate. The period of the Directory has hitherto been strangely neglected by historians. Although histories of the French Revolution and histories of the government of Napoleon abound, the only reputable work devoted to a narrative of the history of France during the government of the Executive Directory is the old-fashioned and commonplace *Histoire du Directoire* by M. de Barante. This neglect is in part due to the fact that writers upon the history of the French Revolution seem to have exhausted their energy by the time they have told the tale of the Reign of Terror, and their accounts of the period of the Directory, and even of the period of the Thermidorian government which succeeded the fall of Robespierre and preceded the election of the first Directors, generally read like spiritless and tiresome sequels to their earlier chapters. This attitude is natural enough. The period of the Directory, like the period of

the Thermidorian government, comes as an anticlimax to the dramatic events of the Reign of Terror; hecatombs of victims were no longer slaughtered upon the guillotine or drowned in the Loire, and there is a conspicuous absence of the thrilling incidents and exciting events of the earlier period. But if historians of the French Revolution have neglected the period of the Directory, it has been handled still more unfairly by historians of the Consulate and the Empire. To biographers of Napoleon, and all historians of the Consulate and the Empire have hitherto been biographers of Napoleon, the period of the government of the Directory affords simply a background whereby to illustrate the appearance of their hero upon the stage. To them the campaign of 1796 in Italy and the expedition to Egypt are the chief events of the period, and the members of the Executive Directory of France are regarded as the fortunate mortals who employed the victorious general, or as the malignant enemies who thwarted his immediate accession to supreme power. The period of the government of the Directory is a transition period, and has suffered the fate of all transition periods in being neglected by historians, but the reluctance hitherto shown in dealing with it has in part been due to the absence of authentic material upon which to work. Upon the history of the early years of the French Revolution, and above all on the Reign of Terror, historical societies and individual students, liberally aided by the French government, have recently published, and are publishing, a bewildering wealth of documents, while for the period of the Directory interest has been so entirely concentrated upon military events, and particularly upon the achievements of Napoleon, that it is exceedingly difficult to form a correct idea of the political history of France during the four years which elapsed between the installation of the first Directors on 13 Brumaire, Year IV. (November 4, 1795), and the *coup d'état* of 18 Brumaire, Year VIII. (November 9, 1799), when Napoleon Bonaparte put an end to the Constitution of the Year III.

It is not only lack of documents which has restrained students from working upon the history of the Directory; there has also been hitherto a remarkable scarcity of personal memoirs, those human documents which vivify and correct and interpret official records. Whole libraries can be collected of memoirs dealing with the first six years of the French Revolution, memoirs written by leading actors and subaltern agents alike, which contrast both in quantity and quality with the sparse personal narratives of the succeeding period. But during the last twelve months something has been done to redress this inequality; for in rapid sequence

have been published the memoirs of the two men who played the longest and most conspicuous parts in the history of the Directory. The executive authority in France was entrusted during the four years of the directorial system of government to thirteen men who held office for periods varying from a few months to four years. The one man who was a member of the Executive Directory throughout the whole four years from November, 1795, to November, 1799, was Paul Barras. The Director who held office for the next longest period, from November, 1795, to June, 1799, was La Revellière-Lépeaux. These two men survived not only the Revolution but the Empire, and in their old age, when France had again passed under the sway of the Bourbons, they busied themselves in writing down for the use of posterity the recollections of their days of political greatness. It has been known to historians for more than sixty years that the memoirs of Barras and of La Revellière-Lépeaux were in existence; they had been placed in the hands of eminent historians to assist them in their work; extracts from them had been published from time to time; and further excuse for the neglect with which the period of the Directory has been treated is to be found in the fact that no writer felt justified in undertaking an exhaustive work before memoirs of such obvious importance had been published in their entirety.

The value of memoirs as historical evidence depends upon a careful examination of the circumstances under which they were written and a thorough knowledge of the characters and motives of the writers. Now the memoirs of Barras and of La Revellière-Lépeaux were written after 1820, when the writers were both old men, and more than twenty years after they had been entirely excluded from political power. Barras was forty-four years old and La Revellière-Lépeaux forty-six, when the government of the Directory came to an end, and they were both therefore well past sixty when they undertook to place on record the recollections of their political life. This fact of itself deprives their testimony of any direct documentary value. Although both of them consulted memoranda made at the time in writing their records, their statements of fact cannot stand if contradicted by direct evidence from contemporary sources or even if unsupported by such direct evidence. It is not, however, for direct evidence as to facts that personal memoirs are consulted or followed, although only too many unscientific historians neglect this wholesome rule. The memory of an old man is proverbially treacherous, and even when edited by the use of authentic documents may easily go astray. But although affording no valid evidence as to facts, personal

memoirs, like those of the two Directors, have an immense though indirect value in affording clues to the causes of events; in recalling details the importance of which has become obscured from neglect at the time or incorrect presentation in contemporary documents; in recording impressions made at the time in their true proportions; and in throwing light upon the character of the author. In all these respects the memoirs of Barras and of La Revellière-Lépeaux fully justify expectation. It is true that, in spite of the unchivalrous treatment of Josephine by Barras, the general reading public has expressed itself as disappointed at the absence of piquant and scandalous stories, but historical students should be grateful for the fulness of the memoirs in question from the points of view just mentioned. The day has gone by for the compilation of history from a comparison of personal memoirs, but the day has not arrived and never will arrive when the value of memoirs as illustrative material can be neglected.

Before, however, attaching to memoirs even the secondary value of illustration, which is now recognized as their principal use as a source of historical knowledge, it is necessary to be sure that the memoirs in question are the genuine work of their authors, and have not been garbled by unscrupulous editors or by friends and relatives, more solicitous for the writer's credit than for historical truth. Few periods in history are so widely and so variously illustrated by personal memoirs as that of France from 1789 to 1815. Yet a large proportion of these memoirs have a suspicious origin. Not to mention lying compilations like the so-called memoirs of Fouché, or the spurious memoirs of Robespierre, there are only too many instances in which the original manuscript has disappeared like that of the memoirs of Talleyrand, published by the Duc de Broglie three years ago, or in which there was no original manuscript, since the so-called memoirs were drawn up from notes of conversations, as in the case of the volumes bearing the name of the Memoirs of René Levasseur, called Levasseur of the Sarthe. The spread of knowledge as to the duty of an editor to publish the very words of the manuscript before him has, since the expansion of scientific historical study, been so great, that historical students nowadays expect and generally receive a minute and detailed account of the condition and history of the manuscript of any newly published collection of memoirs. That is at least the case with regard to the memoirs of the two Directors, Barras and La Revellière-Lépeaux. M. George Duruy, in particular, deserves the very greatest praise for publishing textually the memoirs of Barras; for he himself is an enthusiastic admirer of the Emperor Napoleon

and points out in his introduction what he considers to be the untrustworthy malignity of the Director Barras. "This venom," he says, "I give to the public without fear or remorse, for I have affixed a warning label to the poison." It was well known among his contemporaries that Barras had spent the last years of his long life in writing his memoirs, and as early as 1825 the government of the Restoration issued orders for placing all the papers of Barras under seal. On January 30, 1829, the day after the ex-Director's death, an attempt was made under this order to seize his papers, but, fortunately for history, a few hours before the arrival of the officers of law his widow had sent the precious manuscripts for safe-keeping to M. Alexandre Rousselin de Saint-Albin, to whom they had been bequeathed to be edited for publication. By 1832 the latter had completed an edition of the memoirs ready for the press. M. de Saint-Albin had himself as a young man played a part in the history of the Revolution. He had been imprisoned during the Reign of Terror as a partisan of Danton, and he therefore admired Barras as the leading actor in the Revolution of Thermidor which brought Robespierre to the guillotine; he was the friend and biographer of Hoche and therefore detested Bonaparte, the successful rival of that brilliant general; he was a convinced republican and hated the imperial despot who had absorbed the Revolution and used the Revolutionary army for the satisfaction of his own ambitions. No more suitable editor could have been found, and it was a labor of love for M. Alexandre de Saint-Albin to turn the fragmentary notes and illiterate manuscript of Barras into readable French prose. But when his work was done, M. Alexandre de Saint-Albin was informed by the lawyer he consulted on the subject, that the memoirs of the old Director "constituted a nestful of libel suits." The manuscript was therefore withheld from publication, and in 1847, upon the death of the original legatee, it passed into the possession of his son, M. Hortensius de Saint-Albin. This gentleman held the office of a judge of the court of appeal during the Second Empire, and obvious motives of prudence prevented him from publishing during the reign of Napoleon III. the violent and malignant language used by Barras about Napoleon I. The second Saint-Albin died in 1877, and the famous memoirs passed through the hands of various members of the family till they reached those of M. Duruy. It has been said that M. Alexandre de Saint-Albin rewrote the memoirs of Barras. This was made necessary by the fragmentary condition and illiterate text of the original. But fortunately M. de Saint-Albin carefully preserved the original which he had revised

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and edited, and M. Duruy has given in parallel columns some typical passages showing the nature of the editorial work done. Had this been the case with regard to the memoirs of Talleyrand, had M. de Bacourt preserved the original upon which he worked, the suspicions which now exist that the memoirs of Talleyrand are but a garbled version of the original work of the famous diplomatist could not have arisen. The story of the memoirs of La Revellière-Lépeaux is less complicated. The high priest of the Theophilanthropists was far better educated than the Provençal nobleman, and his manuscript did not need to be rewritten. La Revellière-Lépeaux, at his death in 1824, left the manuscript of his memoirs to his only son, M. Ossian La Revellière-Lépeaux. For political reasons, although he never held office like the younger Saint-Albin, the ex-Director's son adjourned the publication of his father's memoirs. They were printed, however, in 1873, though not published, and since that time the copy deposited according to law in the Bibliothèque Nationale at Paris has been constantly consulted by students of the history of the French Revolution. M. Ossian La Revellière-Lépeaux not only refused to publish his father's memoirs himself, but directed that they should not be given to the public until after the death of his wife. This event occurred in 1891, but the owner of the copyright, M. Robert David d'Angers, the grandson of the Director's only daughter, did not feel justified in publishing his great-grandfather's memoirs, which contained many imputations on the character of the first Carnot, while the third Carnot was honorably directing the government of France. The murder of President Sadi Carnot, however, removed the cause of these generous scruples, and so it happened that in 1895, just one hundred years after Barras and La Revellière-Lépeaux entered upon the most important epoch of their political lives, their memoirs were at last given to the world.

It might have been expected that the memoirs of La Revellière-Lépeaux and Barras should be in the main apologies for their political careers, and in particular for their political actions during the time that they sat as colleagues in the Executive Directory. Both were keenly conscious that the government of the Directory had never been popular, and that it was the fashion in their latter days to decry the Directors as greedy and insolent politicians, whose system was not marked by the patriotic fervor of the statesmen of the Convention nor by the triumphs abroad and restoration of order at home which marked the rule of Napoleon as First Consul and as Emperor. The fact that their memoirs were written as apologies for their past actions naturally vitiates their trust-

worthiness. Although, since they were at the head of affairs, they must have known more about the forgotten causes of events than outside observers, they are more concerned with defending their reputations than desirous of narrating their motives and their actions. Both indeed made use of documents that they had preserved, and endeavored to assist their recollections by references to them. La Revellière-Lépeaux does not seem to have kept any regular diary or to have preserved any memoranda of the discussions which took place at the meetings of the Directory. But he preserved a number of letters written to him during his tenure of office, chiefly from agents of the Directory in Italy, which he directed should be published with various speeches and political articles as *pièces justificatives* with his memoirs. The third volume of the *Mémoires* consists entirely of these documents. Among them should be noted, for the use of students of American history, a memoir on the relations of the United States with the government of the Directory, written by M. Rozier, the French consul-general at New York, and dated 7 Nivôse, Year VII. (December 27, 1798). The memoir fills but eight and a half pages of print and is worthy of attention as containing a French view of American politics at an interesting epoch. Far more valuable than the *pièces justificatives* of La Revellière-Lépeaux are the records kept by Barras of the debates in the Directory, which are incorporated in his memoirs. The publishers have had the happy thought of printing these contemporary notes in a different type from the body of the memoirs. For the purposes of the historian, they are worth all the scandalous gossip of the former Director's faithless memory many times over. No one except an inveterate scandal-hunter will care to read twice the malicious insinuations of the old *roué* about Madame Tallien and Madame Bonaparte, but the Director's notes on political events as discussed among his colleagues have a great and permanent value. It has been said that the memoirs of both Directors are in the nature of apologies, and it may be added that both of them retained to old age the bitter enmities of their former political life, and that they deliberately set down the most scandalous imputations against the characters of most of their former associates. La Revellière-Lépeaux writes with particular bitterness of Carnot, who in truth had not spared the language of sarcasm and abuse against him in the well-known answer to Bailleul, which was published after the *coup d'état* of 18 Fructidor. No man likes to be called a "tiger" or a "hideous viper," and it is perhaps not unnatural that La Revellière-Lépeaux should have borne a grudge against Carnot to his dying day, and

should have represented the famous "Organizer of Victory" in the worst possible light. To his jaundiced view every act of Carnot was treacherous and mean, and the language used is so strong that it overshoots the mark. La Revellière-Lépeaux himself seems to have felt this, for he writes with regard to his memoirs: "If I have used unmeasured language with regard to Carnot, I desire that it should be softened. I owe it to myself not to imitate his violence." If Carnot roused feelings of bitter hate in the memory of La Revellière-Lépeaux, they were mild in comparison with the rancorous malignity with which Barras regarded Napoleon Bonaparte. As First Consul and as Emperor, the Corsican officer whom Barras had aided to rise to the heights of fame and power, never ceased to persecute his former patron. If indeed an anxiety to leave to posterity a vindication of his political life was one of the aims of Barras in writing his memoirs, an overwhelming desire to blacken the character of Napoleon, and to emphasize the baseness of the methods by which he rose to high command, was an equally strong incentive. Napoleon himself, Josephine, and the members of the Bonaparte family are calumniated at every turn; the most disgraceful imputations are made against them all; and if La Revellière-Lépeaux's animosity against Carnot should be carefully discounted, still more care should be used with regard to the reckless mud-throwing of Barras whenever he mentions the man whom it is his brightest title to fame to have brought conspicuously upon the stage of history.

The provisions of the Constitution of the Year III., by the terms of which the Directory came into power on the dissolution of the National Convention in 1795, are sufficiently well known. The chief aim of the Constitutional Committee which had drawn up those provisions and of which it may be noted La Revellière-Lépeaux was himself a leading member, was to establish a strong executive government in France, supreme in all executive matters but deprived of all control over the Legislature. The disastrous effect of the Constitution of 1791 in placing executive power in the hands of a discredited and powerless monarch had been made manifest during the first months of the war of republican France against Europe; France had been saved with difficulty by the arbitrary government of the Committee of Public Safety, and no statesman dreamed in 1795 of leaving the country without a strong executive. But this executive was to be balanced by a legislative authority which it could not control, to which it could not suggest measures, from which it could not select its ministers, and whose

enactments it could not veto. The executive and legislative authorities were as far as possible shut off from each other in separate compartments, and since such an arrangement was politically impracticable, the Constitution of the Year III. was twice violated, first by the Directory interfering unconstitutionally with the Legislature and later by the Legislature interfering unconstitutionally with the Directory, in the course of the four years during which it remained in force. Some of the provisions of the Constitution were the result of previous experience and others seem to have been imitated in part from the American Constitution. The Executive Directory of five members, which was to preserve its solidarity, the decision of the majority being taken as the decision of the whole, was based on the success of the Committee of Public Safety, and it was provided that one Director should retire every year and be ineligible for re-election, in order to prevent the existence of such a corporate despotism as the great Committee of Public Safety. Similarly, to prevent any sudden and sweeping change of policy, such as had resulted from the election of the Legislative Assembly in 1791, it was agreed that one-third of the Legislature should retire yearly. The division of the Legislature into two chambers was a further result of experience. The Constituent Assembly had by a large majority rejected the bi-cameral system in August, 1789, regarding its suggestion as a slavish imitation of the English Houses of Parliament. But the statesmen who drew up the Constitution of the Year III. knew better and divided the new French Legislature into two chambers, — the Council of Ancients and the Council of Five Hundred. To the Council of Ancients was assigned a certain control over foreign affairs and the ratification of treaties, probably in imitation of the functions of the United States Senate, while to the Council of Five Hundred was attributed the right of initiation of all financial measures. Legislation was to be carried by a majority in both chambers and could not be vetoed by the executive authority. Theoretically, the Constitution of the Year III. offered an excellent solution of the dangers and difficulties which beset Revolutionary France, but in practice it was found, as has already been said, that the entire separation of the functions of the executive and legislative was impossible. From both the historical and the political standpoint, the most interesting events in the history of the directorial system of government were the two *coups d'état* of 18 Fructidor, Year V. (September 4, 1797) and of 30 Prairial, Year VII. (June 18, 1799), by which in the first case the Directory violated the Constitution to the prejudice of the Legislature, and in the second case the Legislature retaliated on the Directory. It

will therefore be useful to examine what light is thrown by the memoirs of Barras and of La Revellière-Lépeaux upon these two *coups d'état*. Some idea can be given of the character and value of the memoirs of the two Directors by dealing with their recollections of these two most important events of their political life.

The *coup d'état* of 18 Fructidor was the work particularly of La Revellière-Lépeaux and Barras, and in their memoirs they not only attempt to justify their action, but glorify themselves upon their success. Ever since the election of the new third of the Legislature in the spring of 1797, a strong majority in both Councils had been opposed to the majority of the Executive Directory. The new third represented the feeling of reaction which undoubtedly existed in France in 1797, in spite of the victories of Bonaparte in Italy. The glories of foreign conquest had not materially altered the condition of things at home. France needed peace, and the new third of the Legislature represented this feeling. France, further, desired the punishment, or at least the expulsion from office, of the Terrorists, whose sanguinary methods of government were recollected with a shudder and with fear that they might possibly be resumed. In reaction from the ideas of the Terror, it is possible that perhaps the majority of the middle classes in France would even have welcomed the re-establishment of monarchy. Under these circumstances, the new third of the Legislature, which consisted almost entirely of men who had taken no part in affairs during the Reign of Terror, coalesced with the third which had been elected on the dissolution of the National Convention and had a clear majority over the surviving third of former members of the Convention. Desiring peace, wishing for the overthrow of the men of the Terror, and probably working for the re-establishment of monarchy, the majority of the Legislature, in the spring of 1797, elected to fill the place of Letourneur, on whom the lot had fallen for retirement, Barthélemy, the negotiator of the treatise of Basle and a former marquis and diplomatist during the days of the *ancien régime*. But although the party of peace and reaction had a majority in the Councils, Barthélemy had not the character to win over any two of his colleagues in the Directory, and the party therefore remained in a minority in the executive branch of the government. That a struggle must quickly come was obvious to all observers in the summer of 1797. It was merely a question as to which side would take the initiative in violating the Constitution of the Year III. Both La Revellière-Lépeaux and Barras endeavor to prove that the party of peace and reaction was really working for

the re-establishment of the monarchy, and the former makes a strong point by pointing out that, under the Restoration, it was accounted good service to the Bourbons to have been a victim of the *coup d'état* of Fructidor. Perhaps the only man who sincerely desired to avoid violating the Constitution was Carnot. La Revellière-Lépeaux accuses Carnot of treachery and asserts that he was won over to the party of reaction. This, however, is part of La Revellière-Lépeaux's persistent misrepresentation of Carnot's character. But Carnot gave ground for the accusation in that he threw in his lot with Barthélemy and, with that honest but incompetent old gentleman, refused at the beginning of Fructidor further to attend the meetings of the Directory. In their decision to strike a blow at the leaders of the party of peace and reaction in the Councils, the majority of the Directory, namely, La Revellière-Lépeaux, Barras, and Reubell, had the hearty support of the two most famous generals of the French Republic. Both Hoche and Bonaparte were exceedingly wroth at the language used in Councils about the French armies, both disliked the idea of peace, and both prepared to come to the assistance of the majority of the Directory. Hoche indeed went so far, at the invitation of Barras, as to march some of his troops towards Paris, and La Revellière-Lépeaux gives an interesting account of an interview which took place between the Directors and Hoche, in which Barras roused the young general's indignation by refusing to acknowledge the invitation he had given him (*Mémoires*, Vol. II., pp. 421-425). Bonaparte did not himself come to Paris, but he caused the circulation in his army of violent diatribes against the peace party, even going so far as to falsify the *Moniteur* (see Thiébault, *Mémoires*, Vol. II., p. 123), and he sent one of his most trusted generals, Augereau, to carry out the military part of the programme planned by the majority of the Directory. As the day fixed for the *coup d'état* approached, Reubell, by the testimony of both his colleagues, was overcome with fear, and it was with the utmost difficulty that he could be prevented from running away from his rooms in the palace of the Luxembourg. Barras charitably puts down Reubell's fears to a fit of temporary insanity; La Revellière-Lépeaux does not go quite so far, but he fully justifies Barras's remarks and asserts that his own coolness restored Reubell's courage. La Revellière-Lépeaux, as President of the Directory for the time being, signed first the orders that were given, while Barras dealt with Augereau and arranged the execution of the measures that were taken. La Revellière-Lépeaux takes to himself the credit of being the man who really brought

about the *coup d'état* of 18 Fructidor, because he managed to maintain harmony between Barras and Reubell, who cordially disliked each other, and, as has already been said, he glories in his actions at that time of crisis, believing that his policy alone prevented the restoration of monarchy and the progress of reaction in France. Barras, on the other hand, prides himself on having been the man who actually carried out the *coup d'état* and asserts that, after it was over, Augereau desired him to usurp sovereign power by expelling his colleagues (*Memoirs*, Vol. III., p. 27), and that Talleyrand advised the instant execution of the defeated leaders of the peace party (p. 28) and said that he himself would like a place in the Directory (p. 30). Both La Revellière-Lépeaux and Barras point with pride to the fact that no blood was shed during the *coup d'état* of 18 Fructidor. Carnot was allowed to escape to Germany, while Barthélemy, with Pichegru and the other leaders of the Council, were deported to French Guiana. But both the victorious Directors forget to notice that the deportation of these men to South America was almost tantamount to a sentence of death, owing to the nature of the climate of Cayenne and Sinnamari. Barras, further, says nothing of the sudden revival of the cruel laws against returned émigrés, while La Revellière-Lépeaux declares that this revival of severity had nothing to do with the *coup d'état* of Fructidor, but was merely the application of the law still existing. This, however, is a mere quibble; for it is an undoubted fact that whereas during the first two years of the Directory the return of many émigrés was allowed without putting the law in force against them, after the 18 Fructidor numerous executions of returned émigrés took place. Upon this subject, as well as upon the history of the *coup d'état* of 18 Fructidor generally, the statements of Barras and La Revellière-Lépeaux should be carefully checked by the valuable work of M. Victor Pierre, entitled *La Terreur sous le Directoire*, and by the still more valuable collection of documents edited by the same scholar for the Société d'Histoire Contemporaine in 1893.

The *coup d'état* of 30 Prairial, Year VII., naturally fills a much smaller place in the memoirs of Barras than in those of La Revellière-Lépeaux; for while the former was one of the victors, to his own eventual ruin, the latter's political life was then brought to an end. In May, 1799, Reubell, whom both his former colleagues unite in praising as the ablest man who ever served in the Directory, — excepting, of course, themselves, — had retired, and Sieyès, who had indeed been chosen a member of the original Directory but had refused to take his seat owing to the presence of his

personal enemy Reubell, now took his place. Once again, as in 1797, the majority of the Councils was directly opposed to the majority of the Directory. The military situation had greatly changed since the time of the *coup d'état* of Fructidor. At that time, the French armies were at the height of their fame, Bonaparte was master of Italy, and the Austrians had been compelled to sue for peace; but in 1799, Bonaparte was shut up in Egypt, the French had been driven from Italy by the Russians under Suvorov, and only Masséna's brilliant campaign in Switzerland saved France from invasion. The leaders in the Councils attributed this change for the worse to the action of the Directors, and Sieyès took his seat in the Directory with the intention of representing the same views in the heart of the government. Sieyès was a far abler politician than Barthélemy, and he at once set to work to build up a majority in the Directory itself. This was speedily done. It was pointed out that Treilhard, one of the Directors, had no right to his position, owing to his having been elected within a year from his resignation from the Legislature. The Councils, therefore, declared him unconstitutionally elected, and his colleagues in the Directory forced him to resign. His place was taken by Gohier, who, like Sieyès, represented the views of the Councils, and the two had no difficulty in bringing Barras over to their side and thus constituting a majority in the Directory. This accomplished, the leaders in the Councils vehemently attacked La Revellière-Lépeaux and Merlin of Douai, the remaining Directors, and demanded their resignations. Such a demand was utterly unconstitutional, and that it succeeded was a further proof of the impracticable nature of the Constitution of the Year III. The two accused Directors naturally declined to resign, and a struggle seemed to be impending. Impressed with this idea, the majority of the Directory appointed Joubert to the command of Paris as Augereau had been appointed in 1797, and prepared to use force. Barras briefly, and La Revellière-Lépeaux at greater length, describes the events of 30 Prairial. A stormy meeting of the Directors was held; Barras came armed to the meeting and violently abused Merlin of Douai. Seeing that the majority of their colleagues, as well as the majority of the Councils, were against them, the two accused Directors sent in their resignations and thus the second *coup d'état* of the government of the Directory was accomplished. Barras can hardly be said, even in the light of his own memoirs, to have played a creditable part in the *coup d'état* of 30 Prairial. He was at least as guilty as his colleagues of the disasters which had befallen the armies, and his

being spared was due to the fact that he could be more easily won over to the side of Sieyès and the Councils than men of more determined character like Merlin and La Revellière-Lépeaux. It is also worth noting with Barras that the *coup d'état* of Prairial was not followed by the punishment of the defeated. "The early 'days' of the Revolution are signalized," says Barras (*Memoirs*, Vol. III., p. 430), "up to 13 Vendémiaire by the death of the vanquished. On the 18 Fructidor, transportation only was resorted to. On this occasion, dismissals were considered sufficient. This series of amendments to the early ferocity truly bears a resemblance to a progress of civilization. It is no longer permissible to kill one's enemies nor even to transport them; all that is possible is to dismiss them and put others in their place."

The details of the *coup d'état* of 18 Brumaire, Year VIII. (November 9, 1799), which put an end to the government of the Directory, are much better known than the circumstances surrounding the *coups d'état* of 18 Fructidor and 30 Prairial, since it was then that Napoleon Bonaparte seized the government of France, and all his biographers have narrowly examined all sources of information. The memoirs of La Revellière-Lépeaux naturally throw no new light upon the 18 Brumaire, since the author was then living in retirement, but Barras gives a long account of his own doings and feelings during that memorable time. His prejudice against Napoleon, however, is as conspicuous as usual, and vitiates the authenticity of the numerous anecdotes which he tells about himself and his friends and their relations to the victorious general.

One point which stands out in the memoirs of both the ex-Directors is that Reubell was by far the ablest member that ever sat at the board of the Directory. Neither La Revellière-Lépeaux nor Barras, by the testimony of all contemporary observers, liked Reubell, but they both do him full justice in the sketches they give of his character and conduct. La Revellière-Lépeaux devotes some pages to a portrait of Reubell (Vol. I., pp. 332-337), in which he declares that his colleague had bad manners and was obstinate rather than firm, but he adds that these bad qualities were balanced by great talents. He protests against the common accusation that Reubell was avaricious and made a large fortune by corrupt means, and says to his credit: "Few men have been better fitted to govern by their natural intelligence and knowledge of affairs. . . . He had a wonderful memory and it was hardly possible to mention to him any man with whose history he was not thoroughly acquainted, which often enabled us to see through intrigues and intriguers. . . ."

He never to my knowledge betrayed his party or broke his word. . . . He sincerely loved liberty and was so proud of the honor of France and so attached to the interests of the Republic, that he was sometimes harsh and unjust with regard to other nations. At home he was the best of husbands and of fathers." Barras on more than one occasion speaks of Reubell in equally strong terms of praise, but perhaps the most remarkable testimony that the vainglorious nobleman gives to the merits of the Alsatian lawyer is contained in the following words: "It was Reubell who was the soul of the Directory. It was he who from the very first day had made it adopt the vigorous course which had obtained for us so many results at home and abroad — results which had won us the respect of Europe." (*Memoirs*, Vol. III., p. 399.)

It was often alleged by contemporaries, and has since been generally accepted by historians, that the government of the Directory shamefully neglected the interests of the soldiers, who under the command of Bonaparte had conquered Italy, and was responsible alike for the excesses of the armies in 1798 and for the loss of Italy in 1799. It need hardly be said that both La Revellière-Lépeaux and Barras endeavor in their memoirs to clear themselves from these accusations. The former even goes to the length of directing some hundreds of pages of correspondence with himself on Italian affairs to be printed in the *pièces justificatives* subjoined to his memoirs. But it is made perfectly evident throughout that La Revellière-Lépeaux was entirely hoodwinked by the civilian commissioners whom the Directory despatched to Italy in the wake of the conquering armies. Very different evidence on this subject is given by the memoirs of Baron Thiébault. This distinguished officer, whose tales of war and glory are, in brilliancy of style and vivid interest, second only to the famous memoirs of Marbot, devotes the greater part of his second volume to his adventures and experiences in Italy. Thiébault was on the spot; he had good reason to remember accurately the campaigns in Italy in which he won his way to the higher ranks of the military service; and his record bears internal evidence of its truthfulness. Thiébault states and repeats in convincing language that the disgraceful pillage and peculation which marked the conduct of the French in Italy in 1798 was due to these very civilian commissioners whom La Revellière-Lépeaux praises as models of probity and disinterested fidelity to duty. Thiébault further takes the side of Championnet, the conqueror of Naples, as against Macdonald, who supplanted him in command, while La Revellière-Lépeaux takes a diametrically opposite view of the conduct of the

two generals. Perhaps no part of Thiébault's memoirs is of such historical value as the volume in which he deals with his experiences in Italy during the government of the Directory. There has streamed forth from the great publishing houses of Paris, ever since the startling success of Marbot's memoirs, a flood of recollections of old soldiers who took part in the wars of Napoleon, but in most cases they held very subordinate ranks in the days of the Directory, and deal at much greater length with the events of the Empire. Thiébault, however, goes into minute details about the French armies of the former epoch and proves conclusively that however well the Directors might have intended to maintain discipline and good order, those qualities were conspicuously lacking among the troops that conquered Italy. The story of the insubordinate conduct shown towards Masséna at Rome, the bitter jealousies of rival generals, the favoritism which promoted the incompetent, and the want of discipline among the rank and file are sketched by Thiébault in masterly style. It is necessary to supplement the account of the triumphs and defeats of the French armies between 1795 and 1799, given from the government point of view in the pages of the Directors, by such honest narratives from the point of view of the soldiers themselves as that given in the second volume of the memoirs of General Paul Thiébault.

Different in style and character to the memoirs of Thiébault, who was a man of letters and the son of a man of letters, are the rough notes thrown together by General Roch Godart, the son of a cooper at Arras, whom the events of the Revolution had placed in command of the 79th Regiment. These rough notes have been most carefully edited by M. J. B. Antoine, and the three chapters dealing with the period of the Directory confirm the narrative of Thiébault with regard to the campaign of 1798 in Italy, and the attitude of the army towards the Directors. The most interesting page of Godart's memoirs, however, deals in simple fashion with the *coup d'état* of 18 Brumaire. The 79th played a most important part at that time, but its worthy colonel goes into no elaborate details. He had arrived in Paris with his soldiers about a month before the *coup d'état*, and he writes: "The Deputy Aréna and his partisans wished to frustrate the projects of our general-in-chief. They caused many offers of money and promotion to be made to me, which I spurned. I had no desire to implicate myself in any political movement; I regarded only my general's commands, and I had further no reason to betray the general-in-chief Bonaparte, in whom I had the greatest confidence." (*Mémoires*, p. 75.)

It may be stated in conclusion, as must have been made evi-

dent in the preceding pages, that a great deal of additional light has, during the last year, been thrown upon the history of the Directory by the publication of such collections of memoirs as those of La Revellière-Lépeaux, Barras, Thiébault, and Godart. Although it has been insisted upon that personal recollections must always be examined with the greatest care, and treated only as illustrative and secondary material for history, yet the historical student cannot afford to neglect entirely any piece of new evidence laid before him, even if it be the garrulous and vainglorious gossip of two old men writing apologies for their political careers twenty years after those careers had closed, like Barras and La Revellière-Lépeaux.

the end Thank Heaven.
H. MORSE STEPHENS. You bet!

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DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that an exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

1. A Memorial of Lord Burghley on Peace with Spain, 1588.

THE following document shows Lord Burghley considering, long after the Armada had sailed from Lisbon and little more than a month before it appeared off the Lizard, the conditions of a peace with Spain. Philip the Second and Parma had long been luring Elizabeth with false hopes of peace and thus keeping her from making adequate preparations against the invasion upon which Philip was all along fully determined. Elizabeth had at one time even allowed herself to play with the idea of betraying the Low Countries and making a separate peace with Spain. In that case she would have delivered to Philip the cautionary towns, Flushing, Brill, Ostend, and Sluys, and have secured her allies no terms in the all-important matter of religious toleration. It has been alleged that Burghley advised the Queen to commit this foul treachery, and it is certain that Philip was so convinced of this as to exclude the Lord Treasurer, in reality his most formidable enemy, from a list of Englishmen to be hanged after the conquest of the country. In this "memorial," however, Burghley appears in his true character as the great Protestant statesman, whose aim was ever to make England the chief bulwark of Europe against the reactionary policy of Philip the Second. He demands from Philip the ratification of the Pacification of Ghent, a treaty which marked the most propitious moment in the revolt of the Netherlands, and would, if observed, have prevented the rupture of North from South and given freedom of conscience to the whole country. Burghley also distinctly insists that the Queen keep her faith in regard to the towns.

If the King refused to make peace on the basis of the Pacification of Ghent, Burghley meant still to stand by his allies, encour-

aging them to "have a strong navy on the Narrow Seas," and making England itself ready for war by land or sea. Not till Philip should grant toleration in the "Cause of Religion" would Burghley advocate a separate peace with Spain; but that once granted, he was determined to conclude peace even if the rebels still wished to continue the struggle. It is indeed remarkable that the foremost English statesman of his time should at this late date have thought peace with Spain within the range of possibility.

W. F. TILTON.

[MSS. British Museum, Galba, D III, f. 189.]

A memoryall of sundry degrees of conditions to be considered of in the matter of the treaty of peace betwixte the Queenes Majestie and the Kinge of Spayne. 11 Junii 1588. Written by the Lo: Tresorers owne hand.

The beste is for her majestie to have the peace concluded with these conditions followinge.

That betwixte her majestie and the K. of Spayne the former treaties, bothe for amytye and entercourse be renued with abolition of all thinges that hathe happened contrary to those treatyes since the begynneinge of her majesties Reigne.

That the States and people of the lowe Countries may enjoye the effecte of the pacification of Gaunte: And that the articles therein conteyned may be agreably to the tyme and other presente circumstances newlye established, whereby peace maye ensue generally in all the lowe Countries, and the strange forces be removed.

That the people nowe beinge in Holland, Zelande, and the other provynces with them unytred, which cannot without the offence of their consciences, receyve the Roman relligion, be permitted to have the exercise of the relligion which theye doe openly professe, in places convenyent within the same Provynces, the same permission to contynue for X yeares, and for longe tyme after those yeares as shalbe thoughte expediente by the States generall of the whole Provynces.

That the States of the said Provynces nowe unytred may be permytted to leavy soe mutche money as by a contracte betwixte her majestie and the said States they are bounde to answer to her majestie, for her charges in aydeinge of them, and for the suerty whereof her majestie hathe in her custodye the townes of Flusheinge and Briell, which uppon the paymentt of the sayd money she will redelyver.

quest. If the Queene cannot have the conditions of the pacification of Gaunte granted for the united Provynces, what shall the Queene doe thearin.

answer The Queene muste proteste to the worlde, that the breache proceedeth not of her; and the reasons whye she requireth to have the kinge to graunte the same are very many as followe.

By former experience the kinge was advised to agree and confirme the pacification of Gaunte, the same bereinge date 17 Febr. 1577 [sic], and if that D. John of Austria had not violated the observation in many poyntes, the peace had followed and contynued in all apparence [sic] probable. 1 that he would dismisse the Germane souldiers as was accorded. 2 He refused to restore to diverse townes their pryviledges. 3 he refused the restitution of many that weare bannished in Burgundy and Lanesburgh [sic]

4 He denyed that the Count of Buens [sic] shoulde be broughte out of Spayne as was covenanted. 5 He departed to Mechlyne uppon colour to dismisse the Germaine souldiers, but ther he made a newe pacte to renewe the warre and to surprise the Castle of Andwerpe from the D. of Arscott whoe was lately placed theare.

Item her majestie may review to the worlde how she hathe bene provoked for her just defence to arme herselfe bothe by lande and sea, and to ayde the people of the lowe Countries from the conqueste of the Spaniards. And that she never shewed her disposition to take from the kinge of Spayne any countrey or towne. Where contrarywise the Kinge of Spayne hathe attempted the conqueste for himselfe of Ireland. And now this yeare hathe obteyned of the Pope authoritie to attempte to conquerre for himselfe all the Queenes Domyions.

And speedely her majestie muste encourage the States of the lowe Countries to unite themselves with all earnestnes, to enhable themselves to their defence, and specially to have a stronge navye one the narrowe seas. And likewise all good meanes must be used in England to be ready by lande and by sea, to the defence and to provyde money.

ques. How farr the Queenes majestie shall presse the cause of religion for the people of Holland and Zealand

answ. To have free exercise of Relligion for yeares without empeacheinge of any professeinge the Romaine. And afterwarde to contynue as the States generall shall ordeyne it. To have in every walled towne one church for their exercise.

quest. If the cause of Relligion be yeilded unto one the kinge of Spaynes parte, and yet the States will not accepte thereof, what weare meete for her majestie to doe.

answer That peace be concluded betwene the Kinge of Spayne and the Queene and that untill the strange forces be removed, some assurance by hostages of Spanyards may be gyven, for observation of the peace.

2. *Diary of Richard Smith in the Continental Congress,*
1775-1776. II.

(Continued from the January number.)

Wednesday 17 Jan^r the Votes read, as was a Petition from D^r Benjamin Church in Jail in Connecticut setting forth his piteous Situation asserting his Innocence and pray'g a Release, this was referred to a Com^{ee} — In Grand Com^{ee} on the Propriety of opening Trade after 1 March next it was concluded to trade to the Foreign West India Islands and to open the Trade under certain Regulations to be fixed by a Com^{ee} now chosen. While we were in the midst of this Business a Packet of Letters came from Gen^l Schuyler, Wooster and Arnold, Col. Donald Campbell and others with the unfortunate News that Gen. Montgomery had attempted before Day Break of the 30th of Dec^r to storm Quebec but this gallant Soldier and amiable Man was killed with the first Fire, Brig. Arnold wounded in the Leg and carried off to a Hospital whereby the Command devolved on Col. Campbell who retreated, not being able to make his Men advance. Major MacPherson Aid duCamp to M^r Montgomery was killed with Cap^t Cheeseman and a few more and on the other Side of the City, Arnolds Detachment to the Number of between 3 and 400 Hundred including Major Lamb and his Artillery had made a Lodgment in the Lower Town but was obliged to surrender after 3 Hours Resistance. A Report from the Com^{ee} about a French Artillery Officer who offers his Service and brought a Certificate from the Military School at Strasburgh and Two Commissions of Lieutenancy from the King of France, was referred to D^r Franklin and Col. St Clair to examine his Abilities. 400 Dollars were advanced to a Canadian Prisoner for his Maintenance, he to give his Draught upon the Kings Paymaster at Quebec. a Petition was exhibited from sundry Captains, Lieu^{ts} and Ensigns of Col Bull's Battalion charging their Colonel with Extortion and haughty Behavior and a Com^{ee} was instituted to hear both Parties and report thereon. the Commissions for these Gent^l were ordered to be signed and delivered. A Com^{ee} reported Instructions for the recruiting Officers which were accepted the pay of a Regimental Surgeon is 25 Dollars ^{per} Month.

Thursday 18 Jan^r the Proceedings read as usual. A Report was made on D^r Church it was opposed and voted out and a Resolve passed that He shall be confined in a more convenient Room and have Liberty to ride out under a Guard. D^r Smith an Associate to Connolley was brought in Prisoner from Maryland, some of Connolleys Letters written since his Confinement were found on Smith and read and the Prisoner consigned to the Com^{ee} of Safety here. myself and several of the New Members signed the Engagement, heretofore entered into while I was absent, not to divulge any Thing while under Consideration or any Thing the Congress agrees to keep secret, on Pain of Expulsion. the Letters rec^d Yesterday concern'g the

Storm of Quebec were again read and M^r Antill, Son of the late Hon. M^r Antill of N Jersey, who brought the Packet, was called in and examined for 2 Hours, he gave a very clear Account of every Circumstance, he was with Gen. Montg'y when he fell. before this Gentⁿ came in, Hooper moved in a florid Speech that the Delegates may wear Mourning (a Crape round the left Arm) for One Month for Montgomery and that M^r Duché be desired to preach a Sermon, to which Lynch added that a Public Monument be erected to his Memory, the Motions were objected to by Gov^r Ward and others on the Ground that no Mourning is ever worn by any Courts on such Accounts and that the General is already embalmed in the Heart of every good American and that such Proceeding may cause too much alarm at such a critical Juncture these Reasons had their intended Weight. A Com^{tee} of 5 was chosen to report their Opinion what is best to be done in Respect to the Affairs of Canada. M^r Burr Son of the late President of Princeton Colledge behaved well, as they say, in the Affair at Quebec, Our Troops have made a Stand about 3 Miles from that City, Antill recommends Cap^t Hazen to command a Regiment of Canadians and says these are between Hawk and Buzzard but will generally join our Side if we send a strong Force there immediately.

Friday 19. the Votes read. a Report made of some Accounts. 5 New Members added to the Com^{tee} of Claims in the Room of so many now absent. 10,000 Dollars advanced to the Commissioners of the Southern Indian Department. A Report agreed to relative to the procuring of Sailors for South Carolina. the Report for raising 4 new Battalⁿ in N York was confirmed and the Yorkers are desired to Recommend at least Two Persons for each Office that Congress may take a Choice. a Report made from the Com^{tee} on Canadian Affairs, it is Resolved to forward the new Levies immed'y and that Gen. Washⁿ be desired to send a Battalion from his Camp, that another Battalⁿ be raised in Canada, and other Parts of the Report were recommitted after an Opinion of M^r Antills on this Subject had been read. the Papers concerning the Complaint ag^t Col Bull were laid on the Table by the Committee who declined making any Report, the Matter was argued and postponed till Tomorrow. The Col. John Haslett, and Lieut. Col. Gunning Bedford of the Lower Counties Battalion were elected. The Com^{tee} of this Place are to be requested to assist M^r Mease in getting Blankets by desiring the Housekeepers to spare each One or Two. Col. St Clairs Battalion is destined for Canada when completed A Motion that the new Troops be inlisted for 3 Years or as long as the War shall continue was opposed by the Northern Colonies and carried in the Negative

Saturday 20 Jan^r The Remainder of the Report about Canada was agreed to, Washington is to detach a General Officer there, the ruling Powers in every Colony are to collect all the Gold and Silver they can for the Service in Canada and 6 or 7 other Articles. Blank Commissions for the New Regiments are ordered to New Hampshire and Connect^t for the greater Dispatch. Report of sundry Acco^{ts} liquidated by the Com^{tee} of

Claims, this Com^o reminded the Congress of Leonard Snowden who was imprisoned here for being concerned with D^r Kearsley and others in traiterous Practices and he, Snowden, was ordered to be released. A Petition was brought in from Cap^t Duncan Campbell praying to be discharged from Jail on his Parole, it was not attended to. Some Powder was ordered for those Companies of Maxwell's who are ready to march to Canada and Tim: Matlack was directed to furnish them with Ball and Flints. Tim. is a Commissary and Clerk in Chief to our Com^o of Claims (this Person who it is said was once a Quaker Preacher is now Col. of the Battalion of Rifle Rangers at Philadelphia). Col. Bull now thought proper to resign his Commission by Writing addressed to the Congress. An Express was ordered to Gen. Wooster at Montreal with Copies of our Votes and to inform of the immediate Succors intended, and the same Express to call on the Com^o of Safety in Jersey.

Sunday I went to Burlington

Wednesday 24 January. I was in Congress. a State of the late Action at Quebec was laid before the House and ordered to be published. 1000 Dollars advanced to Carpenter Wharton the Commissary who goes with the Troops to Albany. A Motion was made by Edw^d Rutledge to appoint a War Office and its Business defined, which was argued and a Com^o of 7 chosen to consider the Plan. most of the Day was spent on a Proposal to address the People of America our Constituents deducing the Controversy ab Initio and informing them of our Transactions and of the present State of Affairs, much was said about Independency and the Mode and Propriety of stating our Dependance on the King, a Com^o was appointed to draw the Address. W Livingston reported an Address to the Canadians which was agreed to with some Alteration and ordered to be translated into French and printed. Edw^d Antill (made L^t Col. to Hazens Regiment) was desired to take £1000 in hard Money with Him to the Gen. in Canada. it was agreed to advance to M^r Hazen £200 to be deducted from the Amount of his Losses, and to allow something to Him and Antill for their Expences in coming Down and going back, — Brig. Prescott being expected in Town to night an Order passed to keep Him under Guard till Tomorrow. Col. De Haas who supplies the Place of Bull in the first Penns^a Battalion made Return of what Arms are wanting for his Men whereupon it was recommended to the City Com^o to procure all the Arms they can for the Soldiers about to march to Canada. Gov^r Ward shewed me a Recommendatory Letter from a Canadian Seigneur, a Captive here, in Favor of the Gov^r Son now a Prisoner in Quebec.

Thursday 25 Jan^r the Votes of Yesterday read. 4000 Dollars ordered to be sent by the Return of Prescott's Guard, to the Com^o of Safety of our Colony for purchasing Arms for Maxwells Men. Letters were rec^d from Lancaster, Gen. Washington and others, some of them committed to a Com^o. A Petition was read from Matthias Aspden for Permission to load a French Vessel with Produce, it was referred to a Com^o. A Com^o was elected for and reported a Conference with Gen. Prescott and Cap^t Chase

relative to Prescotts Cruelty to Col. Ethan Allen and others, he pleads the Commands of Carlton his Superior Officer the same Com^{rs} enquired of Col. Antill who charges Prescott with great Malevolence and bad Behavior to our People, the Matter is to be further sifted. A Com^{rs} was appointed for and reported a Conversation with Col. Hazen about his Parole of not serving ag^t the King, this from the Circumstances of it, was tho^t void and Hazen reappointed Col. and Edw^d Antill L^t Col. of the 2^d Battalion of Canadians. James Mease was chosen a Commissary to the Troops raised and to be raised in Penns^a for the Continental Service. Gen. Washⁿ inclosed some late English Newspapers in his Letter and informs of the British Troops meeting a Storm and putting back to Milford Haven. his own Army is much in Want of Money and Powder and other Military Stores. 10,000 Dollars voted on Account, to the Troops in North Carolina. 2 or 3 Ships of War are fitting out there for our Service accord^d to Report. The Com^{rs} of Safety in N Jersey are desired to forward the Captive Officers Baggage from Walpack to Lancaster. A Report from a Com^{rs} was agreed to purporting that D^r Franklin shall procure from France or elsewhere a Monument to the Value of £ 300, this Cur^r, for Gen. Montgomery and that D^r W^m Smith Provost of the College be desired to compose an Oration in Praise of the Gen. to be delivered in Presence of the Congress.

Friday 26 Jan^r the Votes read. 1000 Dollars advanced to the Indian Commissioners of the Middle Department. A Com^{rs} chosen to examine Commissary Lowrey and Mease's Fees of One and a Quarter %Cent it being suggested to be extravagant A Petition from some Citizens of Philad^a praying that no Apprentices may be inlisted without Consent of the Masters was neglected. A Letter was read from Gen. Lee Dated from Connec^t setting forth that he is on his Way for the Defence of N York and has gathered a large Body of Connecticut Militia and inclosing a Letter to him from the Com^{rs} of Safety at N York disapproving of his Proceed^{rs} this occasioned a Motion from E. Rutledge and Duane that a Com^{rs} may be appointed to repair for New York forthwith and agree with the Com^{rs} of Safety there and with Gen. Lee upon the proper Measures of Defence after an Argument of 4 or 5 Hours Harrison, Lynch and Allen were fixed upon to proceed to N York accordingly. Some Letters from Pittsburg about Indian Affairs were postponed.

Saturday 27 January. Letters from Gen. Washington L^d Stirling and others, my Lord has taken a Transport at Sandy Hook and 2 more Vessels are taken by one of the Massachusetts armed Ships. On Motion of Wilson (an Indian Commissioner for the Middle Department) One of the Indian Chiefs was constituted a Colonel and is to be presented with a Gorget. the Matter of inlisting Apprentices and small Debtors was committed to M^r Kean, Paine and myself. A Petition was produced from the Debtors in Philad^a Goal praying that the several Colony Assemblies may be directed to devise Methods to free all Prisoners for Debt this Petition was not read the President thinking it coram non Judice. a Petⁿ was read and

committed, from Kepple and Steinmetz pray'g Recompense for a Ship and Cargo carried into Boston to the Value of £5000 and upwards. M^r Inge of Maryland permitted to export Produce from that Colony in Return for Canvass imported. Duane from a Com^{ee} reported on the Indian Treaty at Albany and it was adopted and the Secret Com^{ee} directed to import a large Quantity of Indian Goods for that and the other Two Departments. The Indian Treaty at Pittsburg and Proceedings as returned by the Middle Commissioners were consigned to a Committee of 5. the Com^{ee} of Claims reported a Settlement of L^d Col. Wynkoops Accounts for bringing down Prisoners from Albany, it appearing that the Officers have lived very extravagantly a Resolve passed that the Com^{ee} at Kingston in Ulster County shall settle the Rates of maintaining the Captives there. M^cKean moved on Behalf of Col. Hazen that he may have the Rank of first Col. in Canada otherwise he declines the Service this was opposed and a Com^{ee} of 2. appointed to confer with Hazen on the Subject.

Monday 29 Jan^r the Votes read and Two English Newspapers of the 8th of November. a Report was made on the Inlistment of Apprentices and Debtors, objected to and recommitted. Report made on Gen Prescott and that Gentleman ordered to be confined in the Common Jail of Philad^a by a Vote of 8 Colonies to 2. Cap^t Chase is to go out on his Parole. Cap^t Nelsons Comp'y of Riflemen from the back Parts of Penns^a was taken into Pay and a Com^{ee} of 3 nominated to agree with him on the Terms and Road of Marching. Wyth made Report on Gen Washingtons Gen Schuylers and L^d Stirling's Letters. Letters were rec^d from Gov^r Trumbull and others. Com^{ee} reported that Hazen accepts the Command as offered to Him and desires to be Recommended to the Generals in Canada. A Petition presented from D^r Wheelock for more Money for his Indian College at Dartmouth in New Hampshire referred to a Com^{ee}

Tuesday Jan^r 30. A Petition was read from a Serjeant in Cap^t (now L^d Col.) W^m Allens Comp'y pray'g Pay or some Recompence from his Cap^t it was ordered to lie on the Table. A Report on Apprentices, small Debtors and Infants inlisting was a second Time made, altered, passed and ord^d to be published. a Com^{ee} of 5 was chosen to consider the Representation from the Convention of N York. Rob. Morris was added to D^r Franklin and Dickinson the secret Com^{ee} of Correspondence M^r President laid before Us a Desire of some Persons that Gen Prescott may be discharged from Goal on Account of an old Wound and his ill State of Health, the D^r Cadwallader and Shippen Jun^r are requested to visit Him and make Report. D^r W^m Smith had Leave to inspect the Letters relative to Gen. Montgom^rs Death, the D^r being to pronounce an Oration on the Occasion. M^cKean informed Congress that 200 and odd Men in Tryon County are inlisted in the Kings Regiment of Royal Emigrants, M^r M^cKean was desired to acquaint Gen Schuyler of it by Letter. D^r Franklin from a Com^{ee} reported inter alia in Favor of the Application from D^r Huddleston for Release alledging the Custom of Armies to set free all Surgeons taken Prisoners, it was objected to and postponed. A Bill of Exchange from

Cambridge on the Continental Treasurers for 1000 Dollars, was ordered to be honored. the Report for granting a Bounty for Inlistment in the New England Army was agitated and postponed because Virginia and So. Carolina are not fully represented. Morton reported on Cap^t Nelsons Company of Riflemen which was agreed to. A Letter was rec^d by the Jersey Delegates from M^r Faesch offering to cast Cannon for the American Service. Yesterday I went with some of the Delegates to view the Boom Chain, Fire Rafts and Two Men of War on the Stocks One of 32 and the other of 28 Guns at Kensington. 30,000 Dollars voted on Account to the Com^{rs} for Building the 13 new Men of War. on the 24th Inst^t an Order passed for allow^g the Pay master or Captains to retain Part of the Soldiers Pay with their Consent, to sustain their Wives and Children.

Wednesday Jan^y 31. Votes read and Letters from L^d Stirling Col. Maxwell and others. Maxwell attend'g Paine and Wisner were named to confer with Him and they made a Report and we furnished the Col with Copies of that and a former Order. Cap^t Dempster of the Blue Mountain Valley lately taken by L^d Stirling having a private Property on Board, the same was now restored to Him by Congress at the Request of his Lordship, Quære Whether the Mates Adventure was not also allowed to Him. Wyth reported on the Remainder of Wash^g Schuylers and L^d Stirlings Letters, part of it about the Captive Officers travelling Expences was recommitted The Powers of the Massa^t Delegates expiring this day they seemed to be of Opinion that they could not attend again till their new Delegations arrived but the Appointments published in Two News Papers being read, Congress was unanimous to accept them. the Affair of Prescotts Confinement was agitated and postponed after the Physicians' Opinion had been read. Something done about the Indians of the Middle Departm^t M^r Kean moved to reconsider the Resolution of Yesterday about small Debtors, Apprentices and Infants inlisting, he was oppugned and withdrew his Motion.

Thursday 1 Feb. 1776. the Votes of Yesterday read accord'g to Custom Gen: Prescott allowed a Servant and Physicians to see Him in Goal, after a Proposition to allow Him the Liberty of the Hall and Yard and to see his Friends had been voted out by a small Majority. the Report taken up and spoken to about fixing the Price of Expresses and their Stages from hence to Cambridge it was postponed until D^r Franklin the Postmaster has consulted his Deputies. S. Adams was added to the Com^{rs} for Stating Expences. having little business today the House broke up at 2 oCloc which is much earlier than usual.

Friday 2. Letters from Gen. Washington, Gen. Arnold, Col. Lord Stirling and others particularly from Gen Schuyler contain'g a full Acco^t of his Proceedings with the Tories in Tryon and of his Treaty with Sir John Johnson and the Scotch People there and with the Neighboring Indians. the Jersey Delegates rec^d a Letter from Azariah Dunham Esq^r Second in Command on the Expedition to Queens County contain'g a Narrative of Col. Heards Transactions. M^r Kean, myself and Wisner appointed to make

out a compleat List of the Captive Officers and privates with their Women and Children and where stationed. Cap^t Dempster ordered to be discharged. Prescott allowed to receive Visits from his Bro^r Officers and to have Pen Ink and Paper. Lewis informed of several Vessels returned to New York from unsuccessful Voyages for Arms and Ammunⁿ a Com^{ee} was chosen to deliberate upon some of the Letters rec^d today. E Rutledge reported the Substance of some Papers about the Southern Indians that they are disposed to live quietly and take no Part on either Side. Ward from a Com^{ee} reported that the Petⁿ of Keppele and Steinmetz pray^g Compensation for their Ship and Cargo detained by Gen. Howe, ought not to be granted. A Memorial from the Indian Preacher Sampson Occum for establishing Missionaries in the Indian Country was referred to a Committee. adjourned till Monday Morn'g.

Monday 5 Feb. The Minutes read. Dickinson acquainted Congress that D^r Brian of Trenton a Surgeon on Halfpay had rec^d Orders to repair to the Ministerial Army in Boston and desired Leave so to do, this was rejected by all but Dickinson (and perhaps was a Contrivance of Bryan to save his Half-pay) Wyth reported on Gen Schuylers Letters which was passed. Wyth reported on the Rev. M^r Occum's Proposals, Fowler and Johnson Two Indians intended for Missionaries are to inform upon what Terms they will act in that Capacity. The Compan^y from hence (Pennsylv^a) already marched to the Northward having very defective Arms, Gen. Schuyler is directed, after Opposition from Duane and others, to cause an Examination of them and supply the Deficiency with the Arms he lately seized in Tryon County. A Letter rec^d from Col. Maxwell giving Notice that he will march one Comp^y tomorrow and 3 others directly after. D^r Cadwallader certifying that Gen. Prescott's Wound (rec^d at the Battle of Fontenoy) is bad, his Room in Jail damp and his Case dangerous, he was indulged with Liberty to take Lodgings in the City Tavern under a Guard from the Barracks. Duane presented several Papers from the Convention of N York desiring to know Whether they may admit Two Delegates from Staten Island chosen since the Interdict was laid on that Island, they were canvassed and postponed. A Petition from the City Com^{ee} desiring to know the Determinⁿ respecting Tea was postponed because Rob. Morris is not present. Gen Schuylers Narrative of his Transactions with Sir John and the Tories was ord^d to be published in the Newspapers The Foreigner whom D^r Franklin and S^t Clair were to examine as to his Proficiency in the Knowledge of Artillery was now recommended to Gen Schuyler for Preferment, tho some members, Paine and Sherman in particular, did not approve of employing in our Service Foreign Papists. Douglass is our Commodore on the Lakes.

Tuesday 6 Feb. the Minutes read. Col. Heard attending with 18 Tories from Queens County, Crane, M^cKean and E. Rutledge were named to take his Account of the Expedition, which being reported, the Prisoners are ordered under Guard to N York to be examined and secured by the Convention there who are to report thereon to Us. A Com^{ee} of 5 was

chosen to get Naval Stores from N Carolina to our Men of War building in New England. Letters from Commissary Lowrey and others. A Petition was presented from 3 Captains in Maxwells Battalion for the Allowance to the Recruit'g Officers of 10/ for each Man inlisted, which was granted for the 2 first Jersey Reg^{ts} by 6 Col^s to 2. the last or Dayton's Reg^t is already allowed it. Two Subalterns were appointed as recommended by the Com^{ee} of Lancaster.

Wednesday 7. Letters from L^d Stirling and Harrison One of the Delegates gone to N York and from the Com^{ee} at Lancaster. 10,000 Dollars granted to Commiss'y Mease on Account and 250,000 to the Army at Cambridge and 20,000 to the Marine Com^{ee}. E. Rutledge myself and Duane were chosen to look over the Journals and prepare a State of the Business before the Congress. 2 Committees were consolidated and desired to have all the Officers Prisoners put upon Parole, such of these as are at Trenton to be boarded in that Neighborhood. Acco^{ts} reported and allowed and some Subalterns appointed. Several Com^{ees} chosen. A Frenchman who had brought into this Port Ammunition now requested Leave to export Produce therefor, it was referred to the Secret Com^{ee}. Duane's Draught of a Resolution about the Deputies from Richmond County was canvassed, altered by Chase and forgot by the Interference of other Matters. A Controversy Whether We have yet determined the Affair of Tea. Some Regulations were presented by Lewis about Suttlers in the Northern Army.

Thursday 8 Feb. Votes read. 12,000 Dollars granted for the 4 New York Battal^s now raising. 100 Dollars ordered to be presented to the French Artillery Officer to bear his Charges to Albany. A Report from the Secret Com^{ee} in Favor of the Martineco Man was agreed to. Col. Bull offering his Service was employed to guard the Money to Cambridge. the Form of a Parole settled. Morton, Lewis and Wilson elected to contract for Victualling the Battalions in Chester, Cumberland and York Counties. Dickinson moved to advance Money to a Canadian Gent^l Prisoner at Trenton, was opposed and dropt his Motion. Debate on a Report allowing a Vessel at Norwich in Connec^t to go out with her Cargo, it was postponed Conolly allowed to walk the Prison Yard 2 Hours every Day on Report of his Physician D^r Rush. A Cask of Powder allowed to Col. St^r Clairs Riflemen to shoot at Marks. A Memorial was read from the Com^{ee} of Safety in Penns^a about Powder Mills and a Motion made by Alexander and others to desire them to manufacture 20 or 30 Ton of our Saltpetre immediately. Duanes Motion was passed, to refer the Acceptance of the Staten Island Deputies and to take off the Interdict, to the N York Conventⁿ

Friday 9 Feb. Minutes read and Letters from Gen^l Wash^g Schuyler Wooster and Arnold and from the N Jersey Convention and a Packet of intercepted Letters from England taken by Manley inclosing private Signals of the Men of War and Transports. Copies of these Signals ordered to Admiral Hopkins and to the Delegates of each Colony. the Jersey Convention recommend Elias Dayton for Col. Anthony Waters White for L^d Col.

and Francis Barber for Major of the 3^d Battalion raising there and they were now chosen unanim'y and their Commissions made out the Convention also desire Directions about Tea saying that People sell and use it on a supposed Connivance of Congress. the Letters from our Gen^r were Com^d to a Com^{ee} of 5. Debates ensued about disposing of the Powder arrived here in Cap^t Craig and 2 Tons were allotted to Penns^a in Part of what has been borrowed 1 Ton to N Carolina as formerly voted and the Rest left for Considⁿ the Manufacture of the Saltpetre was put under the Direction of our Secret Com^{ee} by a Vote 5 Colonies to 4, the latter wishing that the Penns^a Com^{ee} of Safety might have Charge of it. Maryland say they have no Gunpowder at present. M^r Gerry from Massac^t Bay took his Seat. adjourned till Monday.

Monday 12 Feb. Our Com^{ee} sent to N York made Report of their Proceedings. A Letter from Gen. Lee by Express, it appears that he will have soon above 5000 Troops and Militia at New York, Debates whether to send Him more Force and from whence. A Motion by the Virginia Delegates for 3 Battalions to be raised there on Continental Pay in Addition to the 6 already on Foot, occasioned a warm Controversy and was at last postponed. Hewes made a Report which was accepted, on the Mode of getting Naval Stores conveyed from N Carolina to the Northern Colonies. much Time was spent on the Means of Manufacturing Saltpetre and erecting Powder Mills, agreed to put 50 Ton of Saltpetre into the Hands of the Pennsylvania Com^{ee} of Safety and to confirm their Contracts, agreed to send 10 Ton to Massachusetts Bay, 10 Ton to New York and on Vote Whether to send 10 Ton to Connecticut the Colonies were equally divided, consequently it passed in the Negative In Consequence of Advertisements for that purpose from the Com^{ee} of Safety here, Proposals have been made by 8 or 10 Persons for erect'g Powder Mills in Penn^a and Jersey. A Motion by M^r Kean to put 250 Stand of Arms just arrived into the Hands of the Companies here and then they will be ready to march for Quebec, was thrust out of Notice by other interfering Matters. A Note was rec^d from D^r Smith about inviting the Gen. Assembly, Corporation, Associators &c. to hear the Oration next Monday, it was given to the Com^{ee} on Gen. Montgomerys Monument.

Tuesday 13. Votes read. the Question Whether the 3 Battal^{ies} in Virginia shall be taken into Continental Service passed in the Negative 8 Colonies to 3, and one divided. it was agreed to pay the Two first Battal^{ies} there from Nov^r last. 30,000 Dollars advanced for the Troops in Virginia and the Field Officers of the 6 Battalions there, were now elected by Ballot which is our Customary Method. a Major Gen. and Adjutant General were asked for by the Virgians and a Com^{ee} of 5 chosen to consider of a Southern Military Department. Letters from the Jersey Convention and from the Field Officers of Daytons Reg^t were read and com^d to myself, Bartlett and S. Adams. 600 Dollars advanced to Fairlamb the Commissary in Chester County, and several large sums ordered for sundry Uses. Wilson brought in the Draught of an Address to our Constituents which was very long,

badly written and full against Independency (Wilson percieving the Majority did not relish his Address and Doctrine never thought fit to stir it again) Chase gave Notice that he would move tomorrow for Orders to Admiral Hopkins to seize all Ships of Great Britain and to recommend to all the Colonies to fit out Privateers. A Direction given that M^cKean should request the City Com^{rs} to delay publishing the Sellers of Tea in the Papers till further Order. Some Money advanced for Gen Lee's Troops in New York and for Col. John Dickinsons who goes on Thursday with a Detachment of Associators from hence to that City. agreed to continue the Pay of Cap^t Bernard Romans during his Stay in Philad^a on public Business.

Wednesday 14 Feb. Letters from Schuyler, Wooster and Arnold rec^d and committed. some Acco^{ts} reported. Application was made from the Shipwrights at this Place in the Continental Service praying Interposition of Congress to stop their Servants and Apprentices whom they cannot hinder from going on the Expedition tomorrow to N York accordingly a Recommendation took place to that Purpose. A Proposition was mentioned for sending Two of our Body to Canada with Charles Carrol Esq^r and John Carol a popish Priest both of Maryland with a View of confirming the Friendship and to induce a Coincidence with our Measures. most of the Day passed in Grand Com^{rs} on Trade.

Thursday 15. the Votes read. I reported on the Jersey Letters. 30,000 Dollars granted on Acco^t to Commissary Lowrey, 5000 Dol^r to the Convention or Com^{rs} of Safety for purchasing Arms, the Long Island Arms in Heards Hands to Col. Dayton and Half a Ton of Powder to the Jersey Conventⁿ or Com^{rs} of Safety. A Letter being rec^d from Gen. Lee the Associators were countermanded going to N York. A Report was made and agreed to about the Mode of fortifying Hudsons River. some Gent^l were selected to go into Canada viz. D^r Franklin, Sam^l Chase and Charles Carol of Carolton Esq^r together with the Rev. John Carol. 150 Arms ordered to Maxwells Troops out of the Parcel just arrived. 8 Ton of Powder ordered into Canada from hence. the Com^{rs} of Safety at N York desired to prosecute the Discovery of the Lead Mine at New Canaan. the Cannon Com^{rs} required to procure what Brass can be collected for Casting Cannon which may be done at the Air Furnace in N York, at Faesch's Iron Works near Elizabeth Town and at other places. 5 Ton of Powder said to be arrived at Egg Harbor and gone thro Brunswick to New York, a Brimstone Mine is said to be at a Place called the Roundabout upon the Raritan between Amboy and Brunswick

Friday 16 Feb. After various Subjects were discussed and decided upon 4 or 5 Hours were spent in Grand Com^{rs} on Trade, Harrison offered some Propositions in Lieu of the Report heretofore delivered in from a Com^{rs} on the necessary Regulations, Wyth also offered Propositions whereof the first was that the Colonies have a Right to contract Alliances with Foreign Powers, an Objection being offered that this was Independency there ensued much Argument upon that Ground, a leading

Question was given Whether this Proposⁿ shall be considered by the Com^{ee} it was carried in the Affirmative 7 Colonies to 5. then it was debated and postponed, afterwards the Regulations of the Trade were handled and finally whether it shall be opened or not and when, upon this Head Chase spoke largely against carrying on Trade at present and Harrison and E Rutledge vehemently for it. there was no Determination.

Saturday 17 Feb. the Votes read Wyth made a Report on the Letters from the several Generals which was gone thro. it was determined that Gen. Lee shall command in Canada. some Cannon and Military Stores ordered there from New York. 35000 Dollars are to be sent by Delegate Floyd to the N York Convention for the Troops there, Gen Schuyler ordered down to N York (an Invitation was sent to the several Delegates to the Funeral of M^r John Cadwallader this Afternoon) Duane reported the State of the Treasury whereupon the follow'g Resolutions passed,

Resolved That a standing Committee of Five be appointed for superintending the Treasury That it shall be the Business of this Com^{ee} to examine the Accounts of the Treasurers and from Time to Time to report to Congress the State of the Treasury. To employ and instruct proper Persons for liquidating the Public Accounts with the different Paymasters and Commissaries in the Continental Service and the Conventions, Committees of Safety and others who have been or shall be intrusted with the Public Money and from Time to Time to report the State of such Accounts to Congress. To superintend the Emission of Bills of Credit To obtain from the different Assemblies and Conventions of the United Colonies Accounts of the Number of Inhabitants in each Colony according to the Resolution of Congress on that Subject.

The Members chosen M^r Duane M^r Nelson M^r Gerry M^r Smith and M^r Willing. Four Millions of Dollars more voted unan'y to be struck under like Regulations with the former Six Millions and it was agreed to have one Million of them in small Bills and to put the Superintendence under the above Com^{ee} John Halstead was appointed Dep. Commissary in Canada. Some Acco^{ts} were reported by M^r Willing Chairman of the Com^{ee} of Claims. John Adams, Wyth and Sherman were chosen to prepare Instructions and a Commission for the Commissioners going to Canada. A Report brought in for dividing the Colonies into 3 Military Departments and fixing the Arrangements it was postponed. A Move to suffer Lieut. Felton to go to England on Acco^t of Sickness was denied. M^r Lewis is engaged to procure Shoes for Part of the Army he has had a Parcel made in Jersey because cheaper than elsewhere. In the Even'g I attended the Treasury Com^{ee} at the City Tavern

Monday 19 Feb. some little Business being done, the Congress, attended by the Penns^a Assembly and other invited Bodies with a vast Crowd of Spectators, proceeded in State to the Dutch Calvinist Church where D^r Smith pronounced an Oration for Gen. Montgomery, the Band of vocal and Instrumental Music was good but played too low for the Place

the light Infantry and Rifle Rangers walked on both Sides of the Congress going and coming.

Tuesday 20. M^r Crane went Home and M^r Sergeant attended in his Stead by Virtue of the new Appointment in these Words,

In Provincial Congress New Jersey

Brunswick 14 Feb. 1776.

On Motion

Resolved Unanimously That W^m Livingston, John De Hart Rich^d Smith, John Cooper and Jonatⁿ Dickinson Sergeant Esq^r be Delegates to represent this Province in the Continental Congress for the Space of One Year or untill others shall be legally appointed in their Stead and that they or any Three or more of them have full and ample Power to consent and agree to all Measures which such Congress shall deem necessary, and this Province bind themselves to execute to the utmost of their Power all Resolutions which the said Congress may adopt, and further if the said Congress shall think necessary to adjourn we do authorize our said Delegates to represent and act for this Province in any One Congress to be held by Virtue of such Adjournment during their Delegation.

A true Copy from the Minutes
W^m Patterson Sec^y

W^m Livingston was added to the Cannon Com^{ee} and they were authorized to contract for Cannon. Chase drew a Form, which I altered, for disposing of the Ship Blue Mountain Valley and her Cargo, no Judge of the Admiralty being yet appointed in Jersey, this Matter was debated and the Necessity of taking the whole Government from the Kings Substitutes was descanted upon and postponed. Reports of Acco^{ts} settled by the Com^{ee} of Claims were made. A Petition and sundry Papers on the Wyoming Dispute were read spoken to and deferred. a few Arms granted to compleat Maxwells Battalion. A Guard of the Soldiers destined for Canada was ordered to escort the Powder going there. Waynes Battalion was ordered for N York when properly armed. Lewis, Alsop and P. Livingston were directed to forward to Gen Washⁿ at Cambridge the 5 Tons of Powder now at New Brunswick

Wednesday 21 Feb. Letters from Gen. Schuyler and others read and committed to 3 Members. the Papers about the Wyoming Dispute and those about the Limits or proposed temporary Line between Virginia and Penns^a were referred to Hewes, W^m Livingston, Paca, Chase and Duane from the Treasury Com^{ee} made several Reports which were accepted, establishing the Denominations of the 4 Millions. one Million of them is to be in $\frac{2}{3}$ ^d, $\frac{1}{2}$, $\frac{1}{3}$ ^d, and $\frac{1}{6}$ th of a Dollar and the other 3 in Bills of One Dollar 2. 3. 4. 5. 6. 7 and 8 Dollars, but more of the 1 and 2 than of the others. an Office is to be established by the Com^{ee} and Clerks employed and all Assemblies, Conventions Com^{ees} of Safety, Paymasters and others who have rec^d Public Money are to settle their Accounts at this Office &c. Duane was the Author of this Plan. Willing from the Com^{ee} of Claims reported

some Acco^{ts} W^m Livingston moved that the Thanks of the Congress be given to D^r Smith for his Oration on Gen. Montgomery and that he be desired to make it public, this was objected to for several Reasons the chief was that the D^r declared the Sentiments of the Congress to continue in a Dependency on G Britain which Doctrine this Congress cannot now approve, Principal Speakers for the Motion Duane, Wilson, Willing, against it Chase, John Adams, Wyth E Rutledge, Wolcott, Sherman at length M^r Livingston withdrew his Motion.

Thursday 22. the minutes read, An Application was made from the Jersey Convention to know Whether the Battalion of Minute Men under Col. Charles Stewart and L^t Col. Mark Thompson which are getting ready for N York at the Requisition of Gen Lee, shall march or not? and if so, desiring some Arms for them, after Debate the Battalion was countermanded. Letters from Gen. Washington L^d Stirling and others were read and referred to a Com^{tee} of the whole, Gov^r Ward in the Chair, the General complains that he cannot get Men or Arms enough, that at least 2000 Men in his Camp are with out Firelocks and the New England Men are averse to inlisting for a longer Term than One Year and not fond of serving under any but Officers of their own choosing. Harrison proposed that 3 Millions of Dollars shall be given Annually to the 4 New England Governments and they to carry on the War their own Way, After these Subjects had been argued and sundry Remedies proposed, the Com^{tee} rose without Determination. the Companies of Waynes Reg^t ordered to N York as fast as they can be got ready. Leave was given for the Colonels of several Reg^{ts} in Penn^a to purchase Arms for their Corps and to draw for the Amount on the Com^{tee} of Safety here which was on Motⁿ of Wilson. Paine and others wished a Com^{tee} to be raised to consider of the speediest Methods of manufact^g Fire Arms in America, deferred.

Friday 23 Feb. the Votes read Carter Braxton Esq^r from Virginia took his Seat. A Com^{tee} of one from each Colony, Sergeant for N Jersey, was balloted for to superintend Saltpetre and Lead Matters and a Sett of Recommendations to all the Colonies on those Heads and to erect Powder Mills was passed, these were presented by John Adams and are ordered to be published. Ward Chairman of the Secret Com^{tee} informed Congress that 2 of the Continental Vessels with Merchandize are taken by the British Men of War and desired to know Whether other Two shall be sent which was carried in the Affirmative after Debate. Application was made for the Discharge of 13 Servants inlisted in Cap^t Harmans Comp^y witho^{ut} Consent of their Masters, a Com^{tee} of 3 was appointed to inquire into it. A Com^{tee} of 5 was elected to encourage the Manufacture of small Arms in all the Colonies. £600 in Gold ordered to be collected by the Treasurers for the Expences of our Ambassadors to Canada, J Adams presented a Sett of Instructions for them which were recom^d that some Matter may be added Debates about the several Powers of the Treasury Com^{tee} and the Com^{tee} of Claims and a Proposal for consolidating them took Rise from Duane's desiring Advice Whether the Public Acco^{ts} shall be settled in the

Several Colonies by able Accountants employed by the Treas'y Com^{ee} or whether the Accounts shall be sent here, the Members inclined to the latter but it was postponed the Two Stoves in our Room (the Assembly Room in the State House) were ordered by general Consent to be taken down as affecting the Health and Eyesight of the Members adj^d till Monday.

Monday 26 Feb. the Votes read, and a Letter from Gen Lee inform'g that he will set out for Canada in a few Days, and a Letter from the Jersey Convention desiring Two more Battalions and Two Companies of Artillery may be raised there for the immediate Defence of the Province, this was referred to the Com^{ee} on the Gen^l Letters. 6000 Dollars advanced to Carpenter Wharton the Commissary. 22000 Dollars ordered to the Maryland Delegates to be exchanged for Gold and Silver in that Colony, £8000 being there offered on Delivery of the Paper Money. An Order passed after long Debate that all the Shipping in the United Colonies now bound to G Britain, Ireland or the British West Indies in Virtue or under Color of a former Resolve allowing Produce to be exported for importing Military Stores, shall be immed'y stopped till further Order and this Resolution to be published, and the further Consideration of that Subject and whether the Custom Houses shall be shut up was referred to a Com^{ee} of 5. Agreed to pay a French Printers Expences and to give Him 25 Half Joes to remove Himself, his Family and Types to Canada and there set up a free Press. A Bill from the Paymaster at Cambridge for 80,000 Dollars being presented for Acceptance was postponed.

Tuesday 27. A Motion by E. Rutledge to countermand Gen. Lee's Journey to Canada and send him to command the Southern Colonies was discussed and postponed till Tomorrow. A Report from a Com^{ee} was confirmed which divides the Country into 3 Military Districts each to be commanded by some General Officers under the Commander in Chief viz. the 4 N England Colonies in the Eastern District, N York N Jersey Penns^a Delaware and Maryland in the Middle District and the Colonies South in the Southern District and it is understood that Canada composes a 4th or Northern District. Some N England Delegates urged to have N York in their District sed non Allocatur. An Order passed request'g the Jersey Convention to secure the Ship and Cargo at Elizabeth Town till further Direction. Rob. Morris produced Letters just rec^d from Bristol with a Copy of the Ministerial Bill for seizing all American Ships which were read, One Letter says their American Army will be about 25000 Strong, Part of it to be directed ag^t the Southern Colonies Part ag^t N. York, that the Whigs are under the Marquis of Rockingham and will desert Us if We aim at Independency, otherwise not, that Commissioners are certainly coming out to treat, that the Scotch Regiments in the Dutch Service are engaged to come here. the Bill is very long and cruel. 100 Dollars voted to a Canadian for his Assistance to Montgom'ys Troops and he is to be recommended to the Commanding Officer in Canada.

Wednesday 28 Feb. Votes read 20,000 Dollars advanced to Commis-

sary Mease. A Report was delivered in by J Adams that 5000 Troops be kept up at N York, that 2 more Battalions and 2 Artillery Comp^s be raised in Jersey &c, it was put off. A Report made by Wyth on Gen Schuylers Letters was partly agreed to, by one Article of it the Jersey Delegates are desired to send the General a Quantity of Steel. E Rutledge renewed his Motion to send Gen Lee to the Southward it was postponed but M^r Lee is to stay his Journey to Canada till further Order. Wilson made a partial Report about the Captives which was confirmed, by Part of it the Com^{tee} of Observation and Inspection where Prisoners are stationed are to oversee them and imprison them if their Behavior deserves it. A Petition from a Frenchman who has bro^t Half a Ton of Powder and the rest of his Cargo in Molasses &c for Leave to export Produce to the Amount of his whole Cargo was argued and the Prayer granted under the Conditions that several other Foreign Vessels have had.

Thursday 29. M^r Whipple of New Hampshire took his Seat. the Minutes read as was a Letter from Gen. Washington inclosing a Letter from Lord John Drummond to Gen. Robertson wherein his Lordship of his own Accord, takes Steps for a Treaty and desires Passports for Commissioners on the Part of the Congress. 4 Hours were spent in Grand Com^{tee} on Trade without any Conclusion, by a former Resolve Trade opens Tomorrow under the Restrictions of the Association. the Points now agitated were the Expediency and Probability of contracting foreign Commercial Alliances and chiefly with France and Spain, and the Advantages and Disadvantages of attempting to carry on Trade in our present Circumstances, much was said about declaring our Independency on G Britain when it appeared that 5 or 6 Colonies have instructed their Delegates not to agree to an Independency till they, the Principals are consulted, the President (Hancock) moved that Madeira Wine may be imported notwithstanding the Association, he meant to please the Southern Delegates who insist on having Wine, but no Question was put upon it. Hewes had a Petition from a Foreigner who has imported Military Stores, praying Leave to load with Produce but Congress adjourned in the Moment of Presentation.

Friday 1 March. the Votes read and Letters from New Hampshire about a Dispute there on their setting up an Independent Form of Government, these were committed to 3. the Report for raising 2 more Regiments and 2 Artillery Companies in N Jersey was considered and rejected. Some Quæries of Commissary Mease were referred to a Com^{tee} of 3. a Com^{tee} of 3 was appointed to Six new Brig. Generals were chosen by Ballot viz 1 Armstrong of Penns^a 2 Thompson of Penns^a now at Cambridge 3 Lewis of Virginia 4 Moore of N Carolina 5 L^d Stirling 6 Howe of N Carol^a and their Stations assigned in the Middle and Southern Departments Armstrong is to go to Virginia and together with Lewis, Moore and Howe to be under the Direction of Gen. Lee who was now voted to Command to the Southward. Thompson is to join L^d Stirling at N York. An Addition was made to the Salary of Joseph Reed Esq. Sec^y to Gen. Washington, he had before 66 Dollars ^{per} month it was now made 100

under Pretence that he is obliged to act as Secr'y to the Naval Departm^t too, this was on Motion of Harrison. A Chest full of Acco^s transmitted from the Assembly or Government of Mass^s Bay hither for Settle^mt was referred to the Com^{ee} of Claims, a Person attends from thence to explain them. A Petition was presented but not now acted upon, from a large Number of Philadelphians pray'g the Congress to grant Leave for Privateers and Letters of Marque to seize the Ships of G Britain Ireland and the other British Dominions. Adj^d till Monday

Tuesday 5 March Letters from Gen^l Schuyler, Wooster and L^d Stirling, part of one of Schuylers was com^d to 3. it was concerning a supposed Invitation from Gov^r Penn to the 6 Nations to meet Him at Philad^a. Andrew Allen said he had made particular Inquiry into the Report and assured the Congress it was groundless. the other Letters were referred to a former Com^{ee} an Order passed to furnish the first and 3^d Jersey Reg^{ts} with Medicine Chests. the Com^{ee} on the Wyoming Papers recommended that they be referred to the Penns^a Assembly which was done accordingly. 4 or 5 Hours were spent in Grand Com^{ee} Col Harrison in the Chair, on Lord Drummonds Letter to Gen. Robertson Wyth offered a Sett of Propos^s import'g that no Public Bodies or private Persons other than the Congress or the People at large ought to treat for Peace &c which were negatived 8 colonies to 3 and one not fully represented, a Motion by W^m Livingston that L^d Drummond be sent for (from N York) to explain his Conduct non allocatur, Nothing more was done on it than the Letter ordered to remain with our Papers and the President desired to acquaint Gen. Washⁿ that the Congress agree in Sentiment with him on the Subject. the rest of the Gen^l Letter was referred to a former Com^{ee} it appeared that L^d Drummond had conversed with several Delegates as E. Rutledge, Wilson and Duane on the Subject of Pacification and, unauthorized by the Ministry, had thrown out his own Ideas of what the Ministry would concede and expect and had endeavored to draw from those Members what Congress would demand and accede to on their Part.

Wednesday 6 March the Votes of Yesterday read and some Letters from Gen Washington and others. some Motions among the King's Troops in Boston indicate that they intend soon to evacuate the Place, our Gen. intends to bombard the Town if he can get Powder but a Council of War have determined it not to be expedient at present. the Marine Com^{ee} was filled up (Sergeant for N Jersey). our Debts of Powder to Penns^a and N York ordered to be paid and 5 Tons ordered to the Southern Departm^t one Ton to the Lower Counties, one Ton to N Jersey and some to Maryland. the 350 Stand of Arms just arrived, were ordered, some of them to repay Penns^a and the Remainder to Waynes Battalⁿ now going to N York. A Motion by E Rutledge to send Major Hausaker to the Southward was carried in the Negative 6 Colonies to 5. On Motion of Harrison, Tho^s Bullet of Virginia was made Dep Adjutant Gen. with the Rank of L^t Col. Brig. Thomas was voted to command in Canada with the Rank of Major Gen. this was on Motion of E. Rutledge Hooper just returned from

Boston says that Cap^t Manley with 5 or 6 Privateers are laid up for Want of Powder (Manley soon got out again) A Motion to appoint the Field Officers for 4 Battal^s in N York was considered and postponed. the Business of finding and smelting Lead was given in Charge to the Saltpetre Com^{tee} Willing Chairman of the Com^{tee} of Claims prayed Advice at what Period the Massach^s Bay may begin their Acco^{ts} ag^t the Continent Whether from the Battle of Lexington or some Time before, this Point could not now be settled. Motion by Sherman to examine Tho^s Walker and M^r Price of Montreal before the House on the State of Canada, was opposed as unnecessary and dropt.

Thursday 7 March the Votes read and Letters from various Persons. Reports of Acco^{ts} made and agreed to be paid. Harrison informed Congress that Major Isaac Melchior had grossly abused the President and damned Him and the Congress, the President had presented Him with a Captains Commission which was much below Melchiors Expectation (he went a Volunteer from Philad^a to Cambridge and from thence with Arnold over to Quebec) after long Debates on the Power of the Congress to commit, and on a Motion made by Harrison to declare Him incapable of serving the Continent hereafter, a Resolution drawn by Johnson took Effect which after shortly stating the Offence charged, orders Him to appear before Congress to morrow Morn'g at 11 oCloc to answer the same. An Applicatⁿ made by the Jersey Delegates in Favor of a Demand of Michael Kearney was com^d to the Com^{tee} on Gen Washingtons Letters, L^d Stirling had seized Kearneys Shallop and made Use of Her in taking the Blue Mountain Valley the Shallop being afterwards taken by the Enemy, the Prayer is for Compensation out of the Ship. the L^t Col of Thompsons Riflemen was promoted to the Regiment and the Eldest Cap^t made L^t Col. L^t Col. W^m Winds of Lord Stirling's was made Col and Matthias Ogden (who was at the Affair of Quebec) L^t Col. these Two were vacant by their Col^s becoming Brigadiers. Arms were ordered for the Powder Guards. 100,000 Doll^s advanced to Connecticut in Part of their Demand after much Fault found with them for not settling their Accounts. Hooper says the Eastern Demands ag^t Us are vastly great, that some Commissary there employs above Sixty Clerks at our Expence &c

Friday 8. the Minutes read. the Field Officers of 4 N York Battalions were now elected by Ballot as usual. Isaac Melchior sent in a penitential Letter and attending according to Order was called in and acquainted by the President with the Particulars of the Charge ag^t Him, he pretended Ignorance of the Words but begged Pardon of the President and of the Congress for his bad Behavior, whereupon he was dismissed without Punishment in Consideration of his late Military Services. A Com^{tee} of 3 viz. Gerry, L Morris and Wolcott appointed to consider of the best Methods of victualling the Canadian Army, a Report was agreed to on this Subject and on the Gen^l Letters, by part whereof Peter Zabriskie is to be employed to convey Provisions to Albany, by another Article no Indian is to be employed in our Army without Leave of the Indian Nation

in Council and witho^t express Leave of Congress (this appeared to me a very absurd and impolitic Regulation). a long Altercation followed on the first Article of a Report made by John Adams for reconciling the Differences between the Generals Schuyler and Wooster, the Article was at last voted out and other Parts of the Report adopted. An Application to make M^r Price Dep Commissary of Canada was referred to our Gent^l now going there. Accounts transmitted from Canada by Col. Hazen of the Damages done to Him by our Soldiers who had destroyed or damaged his House at S^t Johns and killed his Cattle &c were referred to a Com^{tee} of 4 viz. Wyth, Ward, Sherman and S. Adams. Letters read from Gen Lee and others. E. Rutledge reported That the Com^{tee} had conferred with Gov^r Penn on the supposed Message to the 6 Nations who disclaimed any Knowledge of it. some Order was taken to inform Gen Schuyler hereof and to desire Him to send down the Person who had misinformed Him An Advance of 10,000 Dollars

[Half of one of the small pages of the original MS. is missing at this point. — *Saturday, March 9.*] Instruc[tions for the Commissioners] going to Canada and . . . of them took up 3 or 4 Hours . . . that Part recom-mend'g to them [to] form a Constitution and Governm^t for themselves without Limitation [of] Time which Jay and others said was an Inde-pendency and there was much Argum^t on this Ground

[Half a page missing. — *Monday, March 11.*] . . . in the Negative. Letters from L^d Stirling [and] Gen Lee, the latter being in Town desires to know how and when he may pay his Respects to Congress and recieve their Commands. A Com^{tee} of 3 viz R. H. Lee, E Rutledge and . . . was appointed to inquire of the General the best Methods of defending New York. Sherm[an re]ported an Inquiry into the Cau[se that] brings so many Indians (about . . . different Tribes) at present to Philad^a they only come, it seems, to see the Governor and recieve Presents from him as usual. Our Secret Com^{tee} of Correspondence, Harrison, Franklin and Dickinson were asked what they knew of the Disposition of France and other Foreign Powers and say they have not yet had Time to recieve Returns to their Dispatches.

Tuesday 12 March. In Com^{tee} of Claims we agreed to give Timothy Matlack and One Clerk employed by Him £6 ^{per} Week for their Services (there are more Clerks employed by the Com^{tee}) . . . has had hitherto 15/^{per} Diem [for] attend'g the Com^{tee} of Claims. In Congress the Votes were read. 20,000 Dollars advanced to Commissary Mease. 4 or 5 Hours were spent on the Instructions to our Canada Commiss^r they were gone thro but Chase offered some others in Addition which are to be considered tomorrow Wyth made a Report on Hazens Demand referring the Facts to be ascertained by the Commissioners which was confirmed.

Wednesday 13. the Votes read On Motion of Chase a Com^{tee} of 7, Duane at their Head, was chosen to consider of Ways and Means of raising Supplies. R Morris informed Congress that a Tender was sent from New York to cruize at our Capes; whereupon it was agreed that our Marine

Com^{rs} should purchase for the Continent a Maryland armed Brig now at Philad^a and send her immed'y to fight the Tender and to keep this Matter secret for the present 5 or 6 Barrels of Powder were allowed to Cecil County Maryland. a Letter read from the Com^{rs} at Eliz^a Town desiring some Powder, with other Letters. A Report made and allowed, from the Com^{rs} of Claims for paying the Music at D^r Smiths late Oration. from 12 oCloc till 4 the Congress was in Com^{rs} Gov^r Ward in the Chair, on the Petitions for allowing Privateers to cruize ag^t the English, Chase offered a Sett of Propositions and Wyth a Preamble, Willing and Johnson were the only Members who spoke directly and clearly ag^t the Measure, Jay was for a War against such only of the British Nation as are our Enemies, E. Rutledge was ag^t Privateering in any Case and for Letters of Marque in this Case, many Delegates were strongly for the Thing but the Determination was left till Tomorrow. D^r Franklin read some Extracts of Letters to Him from Paris giving a high Character of the Baron Woedtke late a Major Gen of Cavalry in the Prussian Service and Aid du Camp to that King but now in Philad^a whither he came last from Paris.

Thursday 14 March. the Minutes read. R. H. Lee from a Com^{rs} reported Gen Lees Opinion about fortifying New York which was considered. he recommends 8000 Troops to be kept there which was agreed to and the foll'g Battal^{ies} destined to that City viz Winds's late L^d Stirlings already there and Daytons from N Jersey Wayne's, Irwin's, Shee's and Magaws from Penns^a with the 4 N York Reg^{ts} now raising, it was moved that Hazletts from New Castle be also sent but this was postponed. W^m Livingston moved that a Day of General Fasting and Prayer be appointed which was relished and he desired to draw up his Motion. Some Acco^{ts} passed. much Time was spent in a Resolution to disarm the Tories generally, the Thing was not opposed but the Terms of the Resolves were fully discussed they passed at length and the Delegates of each Colony are to transmit them for Execution. A Letter was read from Brig. Prescott complain'g of a Breach of Capitulation in the Treatment of his Person and Effects it was referred to the Com^{rs} on Prisoners (myself One of them) to hear and examine the General and report to Congress, the Vote was taken to hear Him before the House but carried in the Negative.

Friday 15. the Votes read and Letters from Gen Washington with a Packet of intercepted Letters, and Two Letters from Arthur Lee to W^m Temple and brought by Him from England sewed in the Lining of his Cloaths. our Troops have bombarded Boston with little Effect except that Howe and his Men are about to leave the Town, we burst 5 Mortars. Lee's Letters say that the Ministry cannot get Russians France having influenced Sweden to interfere, nor can the King make his Force here 20000 Men this Summer by any Means whatever, that France declares if Foreign Troops are sent She cannot be an idle Spectator, and is really disposed to favor our Cause &c A Letter from L^d Col W^m Allen informing that L^d Stirling has detained his 6 Companies at N York and a Letter from his Lordship explaining his Motives and saying that he has ordered Militia

from N York and Jersey to his Assistance. a Letter from Gen. Lee pray'g his Orders. The Congress in Com^o (Col Harrison in the Chair) came to several Resol^t importing that Nelsons Comp'y of Riflemen shall march immed'y to N York, that the Troops detained by L^d Stirling shall proceed on their Destination to Canada, that the Colonies of Connecticut, N York and N Jersey shall be directed to hold their Militia in Readiness to march on the Requisition of the Command'g Officer at N York, that the Pay of such Militia shall be 5 Doll^r ^{per} Month &c the last occasioned great Debate the N England and Southern Pay being 50/ this Currency. J Adams moved that the Baron de Woedtke be made a Brig. Gen. and stationed at N York. this was rec^d favorably but not now settled. Agreed in Congress on motion of R H Lee that all General Officers travelling on the Public Service shall make a Charge of their Horses Keeping, the same Thing passed, on Motion of Harrison, some Days ago with respect to Aids du Camp. Lee and Franklin were desired to wait on Gen. Lee and request Him to repair from hence forthwith to his Southern Department. the Massachusetts raised (as is said by one of their Delegates) 18000 Men in the Beginning of this War, whereof 16000 were taken into Continental Pay and Service. an Order took place for arming the Guard which sets off this Even'g with the Powder for Virginia.

Saturday 16 March the Minutes read and sundry public Letters. W^m Livingston brought in the Draught of an Order for a General Fast which was agreed to and ordered to be published The Baron de Woedtke was unanim^y elected a Brig. Gen. and ordered to N York for the present and to go with the Commissioners to Canada. Congress resolved itself into a Com^o on authorizing Privateers, Jay offered his Propositions he and others contended for discriminating Foes from Friends. D^r Franklin thought a Declaration of War ought to precede this Business there was no Determination. A Note of Hand from Gen Wooster to Tho^s Walker of Montreal Esq^r for 50 Half Joes with Interest, was presented for Payment, Chase and others objected to paying Interest as our Officers might run Us into an enormous Debt, it was postponed. The Accounts of M^r Price of Montreal were offered for Adjustment and referred to the Com^o of Claims, this Gent^l and his Partner M^r Haywood have lent great Sums to our Army there. Carpenter Wharton the Commissary was authorized to continue victualling the Penn^a Troops after their Arrival in N York.

Monday 18 March the Votes read. 20,000 Dollars advanced to Commissary Mease. some Promotions made in One of the Virginia Reg^{ts} in Consequence of Col. Henry's Resignation. the Congress was again in Com^o on the privateering Business, several Resolut^s were come to after an able Debate. by the first, Leave is to be given to commission Privateers and Letters of Marque to cruize on British Property the Vote stood thus, For the Resolution New Hampshire, Massachusetts, Rhode Island, Connecticut, N York, Virginia and North Carolina, against it Penn^a and Maryland, the other Colonies not sufficiently represented to vote, Ireland was excepted and the other British Domin^s with the Consent of all but Chase

and myself (it appearing to me very absurd to make War upon Part only of the Subjects and especially after the Irish Parl^t had declared decisively ag^t Us) Leave for the Com^o to sit again on the same Affair. R H Lee moved to take Mons^r Arundel and another Frenchman into the Southern Departm^t which was opposed by D^r Franklin and referred to our Com^o for consider^g the Application of Foreigners.

Tuesday 19. Minutes read. 250,000 Dollars advanced to Gen Washington and 50,000 to Gen Schuyler, The Com^o of the whole went thro the Articles on Privateers and they were referred to Wyth and Two others to prepare a Preamble. Vacancies in several Committees were filled up. A Captain of Artillerys Commission ordered to Mons^r Arundel. Wyth made a Report for the Appointment of a Commissary of Prisoners which was recommitted and for recompensing Michael Kearney for the Loss of his Boat which was confirmed. A Ton of Powder was ordered for the Vessel of War here and ready to go down to guard Delaware Bay. sundry public Letters read and some of them Commit^d. Johnson threw out for Consideration the Propriety of establishing a Board of Treasury, a War Office, a Board of Public Accounts and other Boards to consist of Gent^o not Members of Congress. the Draught of a Commission to D^r Franklin, Chase and Carrol was bro^d in and some additional Instructions. In the Even^g S. Adams, Wilson and myself spent an Hour with Gen Prescott at the new Tavern, he was open and free, endeavored to justify every Thing by the Commands of Carlton and explained at large his Complaints.

Wednesday 20 March. the Minutes of yesterday were read with Letters from L^d Stirling and others. The Commission and Instructions to the Canada Commissioners were canvassed and finished, by One Clause any Two of them are allowed to abate Fortifications and to construct any so as not to exceed 100,000 Dollars. some Com^o were filled up. Major Brixon lately from England being recommend^d for the Service in Canada in Quality of an Engineer a Com^o was raised to consider the Application. several Acco^t allowed. E Rutledge moved that Magaws Regiment may be furnished with Pikes they having no Guns, it was desired also for several other Reg^{ts} the Matter was debated and left for further Consideration. On like Motion Col Magaw was allowed 3000 Dollars on Acco^t to purchase Arms with. S. Adams reported about the Prisoners at Trenton

Thursday 21. the Votes read. Col Charles Stewart of Hunterdon directed to muster Cap^t Woolvertons Comp^y who offer themselves for the Service and 600 Dollars were allowed the Col for their Use. John Adams from a Com^o reported some Resolutions which were amended and passed recommending to the Colonies to encorage the Culture of Flax, Hemp, Cotton and the Increase of Wool, to form a Society in each Colony for the Encouragement of Arts, Manufactures Agriculture and Commerce &c these were ordered to be published, a Clause was erased for a standing Com^o of Congress to correspond with and assist these Societies. A Com^o of 3 was appointed to superintend and hasten the Printing of the Journal. some Letters and Papers from N Carolina were read giving

an Acco^t of the Defeat of the Tories by Col. Caswell, Brig. Gen Donald M^cDonald is taken Prisoner, Cap^t Mac Leod and other Officers killed. Harrison moved that Gen Washington do discharge all the unarmed Men in his Camp when he has used his Endeavors without Success to arm them, which was carried after some Opposition. Mons^r le Chevalier de S^t Hillaire was made Cap^t of an Independent Comp^y and ordered to Canada.

Friday 22 March. Votes read and Letters from Gen Washⁿ L^d Stirling and others. D^r Franklin moved that 750 Doll^r be advanced to the Baron de Woedtke out of his Pay and this was agreed to, he moved also to present the Baron with 250 Dollars to bear his Expences in coming over Sea and to buy Horses &c Lee and others supported the Motion which was opposed by Duane & al. and carried in the Negative Wyth reported the Preamble about Privateering, he and Lee moved an Amend^t wherein the King was made the Author of our Miseries instead of the Ministry, it was opposed on Supposition that this was effectually severing the King from Us forever and ably debated for 4 Hours when Maryland interposed its Veto and put it off till Tomorrow, Chief Speakers for the Amend^t Lee, Chase, Serjeant, Harrison, against it Jay, Wilson, Johnson. Willing presented Heard's Accounts and asked Whether Congress would allow Pay to the Minute Men who went on the late Expedition to Queens County, this was denied and the Acco^t amounting to £2300 and upwards docked to £800 and odd, the Feriages being above £60 were allowed, Willing moved for a Standing Rule that only Half Ferriage shall be hereafter taken for Soldiers, but other Business intervened. A Petition from a Sufferer in the Disputes at Wyoming was committed to 3, after Objection that it was improper for our Cognizance. Agreed to grant Commissions to Cap^t W^m Shippen and his Officers who are about to cruize in a Privateer on or out of Chesapeak Bay, agreed also to sell Him lb 300 of Powder.

Saturday I was not present but inter alia 30,000 Dollars were advanced to Commissary Lowrey.

Monday 25 March. Votes read and Letters from Gen Washⁿ President Tucker and many more. Howes Troops have abandoned Boston and our People are in Possession. John Adams moved that the Thanks of the Congress be given to the Officers there for their good Conduct and that a Gold Medal be struck with a proper Device and presented to M^r Washington, accordingly J Adams and 2 more were appointed a Com^{tee} for those Purposes. S Adams from a Com^{tee} reported Major Brixon as fit to be Adjutant General in Canada with the Rank of Brigadier, this was objected to, by Allen particularly, and the Report recommitted. R H. Lee moved that Gen Washⁿ be directed to detach from his Army 4 Battal^s to Canada if the Service will admit, he was supported by Johnson and Duane and strongly opposed by Harrison but the Motion passed in the Affirmative, A Report for appointing a Commissary General in Canada was much agitated, M^r Price was proposed but it appeared that one Halstead was in Possession at Quebec, by Consent of Congress and that Walter Livingston had been appointed, the Report was negatived, an incidental

- Question was debated Whether Schuyler or Thomas was to have the chief Command and whether Canada was a distinct Department. 20,000 Dollars advanced to the Virginia Troops. Johnson made a Report inter alia, that 2 Battalions now on Foot in South Carolina and 3 in Virginia should be put upon Continental Pay and Establish^t which passed without any Negative but my own.

Tuesday 26. a Com^o of 3 viz Hopkins, S. Adams and Wolcott named to take Order about the Funeral of Gov^r Ward who died last Night of the Small Pox and to invite the Rev. M^r Stillman to preach a Sermon, the Congress agreed to attend the Funeral as Mourners, to wear Mourning for a Month, to invite the Gen Assembly and other Public Bodies and to do no Business till the Funeral is over, only Hooper going Home desired that North Carolina may, if they think it necessary raise Two more Battal^t upon Continental Pay and Estab^tishment which was granted, no Man but myself dissenting. the Pay of the Maryland Minutemen who lately went to Virginia settled at 50/. Commodore Douglass ordered to his Command on the Lakes. Adj^t till Thursday 10 O Cloc

Thursday 28 March the Votes read and Letters from Pres^t Tucker and others our Colony has raised on their own Bottom 4 Companies to be stationed in Midd^t and Monmouth and our Militia are marching to N York or Staten Isl^d under their Brigadiers Dickenson and W^m Livingston. M^cKean informed Congress that the Tory Prisoners in Philad^a Goal have attempted an Escape and have provided Implements and a Ladder to escape this Night whereupon M^r M^cKean is to direct the Sheriff to confine Conolly Smith and Kirkland seperately and get a sufficient Guard from the Barracks. 20,000 Dollars advanced to Commissary Mease and 1000 to Fairlamb Commissary to Waynes Battalion. R. H. Lee moved sundry Resol^t which were negatived as for a Dep. Commissary General to be established in Virginia and for Aids du Camp to the Brigadier (Armstrong) command^t there, he moved also for Two Engineers there which passed. Dugan of Canada presented with 1000 Dollars for his past Services. and created a Major with the Rank of Lt Col. he is to have the Command of 3 Companies of Rangers in Canada and to name all his Officers this was in Consequence of a Report made by Harrison from a Committee. R. Morris moved to purchase another Ship on Continental Acco^t in this Harbor to be fitted out for the Protection of Delaware Bay which was granted. A Petition from Tho^s Walker of Montreal setting forth his Sufferings from Prescott and Carlton and praying Redress was considered and left undetermined, M^r Walker soon after returned to Montreal without Redress and his Case on Oath was published in Bradfords Paper about 1 May. Ritzma elected Col. of a N York Battal^t

Friday 29 March. Votes read and Letters from the Com^o of Safety at New York, from Gen Schuyler, Gen Wooster and a Letter from Vice President Fisher of New Jersey praying Congress to reconsider Heards Acco^t and grant Pay to his Minute Men On Motion of Lee a Report was taken up on Canadian Affairs and after Debate M^r Price was elected

Deputy Commissary with a Salary of 60 Dollars p^r Month Trumbull the Commissary General has 80 Dollars p^r Month. Mr Price is to have the Canadian Department, some Articles of the Report were expunged. Our Comm^{tee} of Safety have ordered £200 for the Use of their Delegates here). the Modes of supplying the Treasury were considered.

Saturday 30 March. I was not present but among other Things ut audiui, Heard's Acco^{ts} were reconsidered and the whole Demand allowed.

I went Home to Burlington on Sunday having suffered in my Health by a close Attendance on Congress.

REVIEWS OF BOOKS

A Lecture on the Study of History. Delivered at Cambridge, June 11, 1895. By Lord ACTON, LL.D., D.C.L. (London and New York: Macmillan and Co. 1895. Pp. 142.)

If this little volume is stimulating from one point of view, it is depressing from another. It stimulates with its eloquent presentation of high ideals of the value and uses of history; it depresses by conveying to the reader the conviction, which *Rasselas* formed from *Imlac's* definition of a poet, that the necessary qualifications can never be found united in a single individual. Patient and endless delving amid forgotten documents and accumulated archives, and the inflexible resolve never to accept a statement without sifting it to the bottom, are the first indispensable requisites, to which are to be added knowledge of the world and of men, familiarity with policies and statecraft, clear insight, accurate judgment, and literary skill. It is well to hitch one's wagon to a star—if only one can reach the star—and, as it is the duty of a teacher to train his pupils to strive for the highest excellence, no fault is to be found with Lord Acton for the lofty standard which he thus presents to their youthful energy and ambition. Worthy work is performed only in the endeavor to attain the unattainable, and he who puts forth his whole powers must perforce abide by the result, although it will always fall short of his hopes and aspirations.

It is not so easy to agree with the lecturer on another point of the highest importance—a point, in fact, on which turns the whole question of the objects and methods of history: He appears (pp. 44 *seqq.*) to set small store by impartiality. The task of the historian is not simply to discover the truth and set it forth so that its lessons shall teach themselves; in his view the student of history is “the politician with his face turned backwards” (p. 58). Superhuman wisdom might, perhaps, educe from the past permanent rules for the guidance of the present and the future, but, human nature being what it is, the historian, who conceives it his duty to investigate and present his facts with a view to a moral suited to his own time and his own opinions or prejudices, will be tolerably sure to distort the past, while the moral sought for to-day may perhaps be something wholly different to-morrow. We can none of us be sure of absolute impartiality; with the most resolute effort to worship pure truth alone, there will always be a residue of prepossession or prejudice, and the wisest advice that can be given to the student is to cultivate sedulously the judicial habit and to beware, above all things, of becoming an advocate. In any

other frame of mind the investigator is apt to become the victim of expectant attention.

There are other matters on which, if space permitted, issue might fairly be taken with Lord Acton; for the lecture touches, incisively if briefly, on almost every disputable question connected with its subject. All are treated acutely, with the immense and varied erudition for which the author is distinguished, and the book will be profitable reading for every one who is interested in the study or teaching of history.

HENRY CHARLES LEA.

Constantinople. By EDWIN A. GROSVENOR, Professor of European History at Amherst College. With an Introduction by General Lew Wallace. (Boston: Roberts Brothers. 1895. Two vols., pp. xxii, xiii, 811.)

CITIES are open to detailed description either in their organic growth and government, in their relation to the general current of history or in their monuments. Professor Grosvenor has adopted the last course. He has written an archaeological tour of Constantinople and its environs. He comes to his task with unusual personal qualifications; for twelve years a professor in Robert College, a member of the Hellenic Philologic Syllogos of Constantinople, of the Society of Mediæval Researches in the same city, and of the Athenian Syllogos Parnassos, he has shared the labors of local archaeologists, and his text breathes their enthusiasm, and sometimes, one must add, their inevitable lack of perspective. The entire work is written in the key of constant and sometimes overstrained personal interest. This has its advantages in accumulating detail, and lending life and local color. It has its disadvantages in a style which might without loss be soberer and less Byzantine.

On its archaeological and local side, the volume stands alone. Many books of travel have dealt with Constantinople. No technical description of the city exists in English. Its last minute account, Ball's translation of Petrus Gyllius, 1729, is approaching the end of its second century, and the descriptions published in connection with editions of Byzantine historians deal with this aspect. In these two volumes, the reader of Gibbon has at length, in the same tongue which the great historian selected for his monumental work, a picturesque and copious account of the great city about which his history centres, and which alone among earth's cities has been for a millennium and a half without interruption the seat of empire and of rule.

Beginning with a sketch of the site, somewhat deficient in its treatment of physiographic conditions, Mr. Grosvenor narrates the history of the city in successive chapters, and passes to a minute account of the region about Constantinople in the light of the historic incident which has made each spot memorable. This occupies the first volume, part of which, with all the second, is devoted to the monuments of the city. Sancta Sophia has

sixty pages, the Hippodrome thirty-nine, previously published as a separate paper, and the long circuit of churches has each its careful summary. Throughout, the attitude and atmosphere is that of the American visitor and the local archæologist. The past is always seen in the light of our raw Western present, and every object is hallowed by that nameless charm dear to all who have known some old city well and felt for it "as a lover or a child." The happy result is that Mr. Grosvenor dowers the reader with his own entranced interest. His volumes are a most competent topographical companion and guide-book, to which one may unhesitatingly refer the student and reader, for whom Byzantine annals, in whatever shape presented, have hitherto lacked a local interest and an intelligent topography. For general and popular use, Mr. Grosvenor's work gains greatly from his point of view. This has, however, led him to omit all references to authorities, to blend what might have been with what is known to have been, and now and then to accept as proven what the local antiquarian believes to be true. These instances are few, attach to minor monuments, and weigh but little by the side of the very large additions our author has made to the knowledge of the Byzantine city by his personal investigation and discovery (as in the old imperial entrance to Sancta, or in several inscriptions), and still more by his sedulous collation of Byzantine historians, the publications of local archæologists, and the sites themselves.

No one writing in English has attempted this arduous task before as a whole, and no one who approaches Stamboul by any of the many paths that lead to its gates but is in Mr. Grosvenor's deep debt. Invaluable as he is, however, in all the local relations of his subject, he scarcely grasps the broad currents of empire and of trade which have guided the rise and fall of the city which for nearly three thousand years has sat on the Golden Horn. Founded as an incident of Greek trade in the Euxine, Byzantium waxed great in the centuries when Phœnician galleys and Persian rule closed the routes to the East by the Red Sea and the Persian Gulf. When Alexandrine conquest, the Ptolemies, and Rome opened these routes, Byzantium, with other cities on the Black Sea and on the Bactrian trade-routes of the interior, declined. When the Arab expansion closed the southern route in the fourth and fifth centuries, culminating in the seventh, Constantinople again flourished as the old land-routes were reopened. When Turk and Tatar closed both northern and southern land and sea routes, the eastern Mediterranean sank into the eclipse of trade just ended by the Suez Canal. Greater value might have been given to the numerous and most accurate accounts of edifices, had a more comparative treatment been adopted. For a clear comprehension of the relation which the buildings he describes bear to the great stream of architecture East and West, the reader must look elsewhere than to Mr. Grosvenor's pages. His account of the rise of the Turkish Empire follows fabulous tradition without comment. His eulogy of Abdul Hamid has awakened some severe *ex post facto* criticism; but it is fair to remember that, prior to the massacres of 1896, all our author says would have been echoed by nineteen out of

twenty European or American residents of Turkey competent to judge. In presswork and paper, the volumes are a little overdone, with an eye to the Christmas market instead of the historical student. The illustrations are ample, admirable when from photographs, and in other cases usually well selected. The transliteration of Turkish and Arabic names and words, in general, follows French models ; but it is far from satisfactory and by no means uniform. The second edition, which the work deserves, should have a list of Byzantine emperors and of Othmanli Sultans, and maps of the region and of the city at different periods.

TALCOTT WILLIAMS.

The Universities of Europe in the Middle Ages. By HASTINGS RASHDALL, M.A., Fellow and Lecturer of Hertford College, Oxford. (Oxford: Clarendon Press. New York: Macmillan and Co. 1895. Two vols. in three, pp. xxvii, 562 ; xiv, 832.)

It has long been known that Mr. Rashdall was engaged in a careful study of early university history, and it is several years since the present book was first announced. The glimpses of his methods and conclusions, which he has occasionally allowed the public in his communications to periodicals like the *Academy*, have led us to expect a very high quality of work, and have made us disposed to grumble at the long delay in the appearance of the book.

It has been the more impatiently awaited because we have had no satisfactory history of the mediæval universities in English. Laurie's little book on the *Rise of the Universities*, beginning as it does with the beginning of our knowledge of classical education and coming down to the Renaissance, could not supply the place even if it were more accurate and critical than it is. The account of the general university movement in the first volume of Mullinger's *History of the University of Cambridge* is more interesting reading than the present book, both because Mr. Rashdall's treatment is drier and his style sometimes a trifle ponderous, and because he gives proportionately less attention to the sides of university development which are more generally interesting ; but Mullinger wrote before the more careful investigations of the last twenty years had been undertaken, and therefore hardly comes into comparison with this book. Maxwell Lyte's *History of the University of Oxford* appeared nearly fifteen years later, and after Denifle's volume had been published, but the slight references which it makes to the general movement are so scattered and confused as to be very unsatisfactory. There is nothing else in English which even makes pretension to represent the present opinions of scholars, or which should be used by any one who is seeking information on the subject, unless he is making a study of the whole literature.

The only books with which Mr. Rashdall's may fairly be compared are Denifle's *Die Entstehung der Universitäten des Mittelalters*, and Kaufmann's *Die Geschichte der Deutschen Universitäten*, of each of which only the first volume has appeared, Kaufmann's volume being the introduction

to his special subject and dealing exclusively with the general history of the early European universities. The author seems to fear, from the pains he has taken in his introduction to make the exact amount of his dependence clear, that the reader will suppose him to have followed the lead of Denifle too closely and with too little originality. But no reader who makes any careful comparison of the two books will be led to such a conclusion. He is in very close agreement with Denifle on all main points, but his treatment of the same topics shows everywhere independence of investigation and of judgment which leads to differing conclusions on many matters of detail, and the selection of varying phases of a subject by the two authors for fulness of treatment makes the books supplement one another in a very effective and interesting manner. It is a matter for sincere congratulation that we have at last in English a history of the early universities which is worthy of the highest rank among the world's books on the subject.

On all the chief questions which have arisen in the controversies between Denifle and Kaufmann, and between Denifle and Fournier, the author supports Denifle, with occasional agreement with the opposite side on less important points. In the great controversy between Denifle and Kaufmann on the necessity of a papal or imperial bull for the foundation of a recognized *studium generale*, he holds strongly with the former, but it must be said with rather strained principles of interpretation. Certainly the tendency of the dicta in the note on page 13 of Vol. I. would be to render it beforehand impossible to collect any evidence in support of Kaufmann's contention. The result of a comparison of these authors is the conclusion that Mr. Rashdall stands fully on a level with Denifle in the thoroughness of his investigation of the material at his command and in careful and sound criticism. He has not had the opportunity, nor has he attempted, to rival him in the discovery of new evidence, and if his book is perhaps less interesting than Kaufmann's, it is in this respect superior to Denifle's. The period covered is about a century longer than Denifle's, and includes the first movements of the Renaissance age. It thus links on fairly well with Paulsen's *Geschichte des Gelehrten Unterrichts*, of which a new edition is just now appearing. The gap between them is the Renaissance age, which is covered in a summary way in both books, though more fully in Paulsen. It must be noticed also that Paulsen is much more truly, as its title indicates, a history of higher education than is the present book.

Mr. Rashdall's work is chiefly a constitutional history, that is, it is mainly a history of the institutions and institutional life of the universities. Even those chapters devoted to the university studies bear this prevailing character. They dwell most fully on the development of the system of degrees, the formation of a professorial body, and the division of hours and topics. This is clearly a matter of choice with the author, for the introductory chapter on the Renaissance of the twelfth century, and the chapters on the relation of the separate universities to the general history, prove that if the author had chosen to write the history of higher education

during this period, instead of the constitutional history of the universities, the work would have been done with equal success.

It is perhaps hardly fair to criticise a book of this kind for its choice of subjects for detailed treatment, but the especial interest which the American university world of to-day feels in the subject of the curriculum of studies — the natural interest of a transitional and formative age — leads us at least to regret that an earlier age, transitional and formative in the same respects, is not forced to yield us whatever suggestion it may have to make. We should be glad to spare the brief sketches of the minor universities which make up the first part of the second volume, necessary as these are to a complete institutional history of the movement, if that space could have been given to a more full study of the changes in subject and method in university instruction. It may be added that the principle of classification is not evident by which the intellectual movement which leads to the formation of the university of Paris is treated as general introduction to the rise of universities, while the other side of this same movement, which leads to the university of Bologna, and which is earlier in date, is regarded as special introduction to that university only, though the author clearly recognizes that the source of the special interest in law was the same with that of the special interest in theology. The fact of the narrower influence of the university of Bologna in Europe hardly seems to justify this arrangement, since the question here is not one of results but of causes.

By far the largest space is given to the three "archetypal" universities, Bologna, Paris, and Oxford, even Salerno and Cambridge are very summarily treated, and, though three hundred pages of Vol. II., published as a separate part, are devoted to the other universities, the twenty pages given to Montpellier and to Prague are the most allowed to any of the seventy-two universities included. Edinburgh, which in some respects is of especial interest to American students of university history, falls outside the period of the book.

Mr. Rashdall's most valuable contribution to university history is his theory with regard to the origin of the university of Oxford, which he first published in 1888 in the London *Academy*, and which is here reproduced with no essential modification. This is that Oxford had its origin as a university proper in a migration from the university of Paris which took place very close to the year 1167. The positive evidence in support of this theory which Mr. Rashdall has been able to collect is very slight. It consists of these two facts, that in that year foreign students, who would be chiefly English, were ordered to depart from Paris, and that, at about the same time, English clerks residing abroad were ordered home in consequence of the quarrel of Henry II. with Thomas Becket. These facts are combined with evidence to show that soon after this date there is a school at Oxford with the characteristic marks of a *studium generale*, while before that time, though we have some evidence of single teachers of reputation at Oxford, we can find none of a university proper. Taken alone, this can hardly be said to prove the case, and it rests for its acceptance upon the gen-

eral fact, which Mr. Rashdall states here less strongly than in his *Academy* articles, that the early universities originated in one of two ways, either in connection with cathedral or collegiate churches, which is impossible at Oxford, or in a migration from some older university. If this is the rule, as it seems to be, then the evidence must be regarded as establishing the strong probability of the theory, but without this it can only be regarded as possible.

Incidental points of interest are numerous throughout the work. The non-religious origin and character of the universities is made evident. The general prevalence of the system of colleges through the whole of Europe is brought out more clearly than by Paulsen even, or by any previous writer, as well as the additional fact that it was the better instruction given which put the colleges in the place of the university at Oxford. It is amusing just now to find that Bologna was forced by the competition of other towns to pay its professors a regular salary, as had not been done before, in order to hold them. The antiquity of hazing and of college initiations is clearly proved, and ancient faculties evidently had some trouble with athletics; at least they applied the term "insolent game" to bat and ball and "indecent" to tennis, but the Yale student can plead a hoary antiquity, if he pleases, for his custom of playing with a soft ball within the college quadrangle.

Mr. Rashdall does not hesitate in passing to express his mind freely and with emphasis on current questions of university management, or upon the "vandalistic reforms" of the day. The closing section is a brief but very interesting passage upon the light which this period of university history throws upon the problems of the present. One sentence here deserves quotation. He says: "University institutions must undergo perpetual modification in the future as they have undergone perpetual modification in the past. But it is well in this, as in the wider fields of social, political, and religious organization, as far as possible to preserve historical continuity. We should avoid the wanton introduction of an historical solecism where an adhesion to ancient form and usage would be quite as easy, the wanton destruction of ancient institutions where a slight modification of them would serve as well, the wanton abandonment of ancient customs and traditions where they are neither harmful nor burdensome." The reading of the book leads, indeed, to a new confidence in the belief that the strength of any system of higher education is in the naturalness of its development and emphasizes the warning of experience against attempts to modify such a development artificially either by the transplanting of foreign institutions or by attempting to carry out educational theories which diverge too widely from the indigenous type.

GEORGE B. ADAMS.

Geschichte Spaniens von den frühesten Zeiten bis auf die Gegenwart.

Von Dr. GUSTAV DIERCKS. (Berlin: Siegfried Cronbach. 1895.

Two vols., pp. viii, 442; iv, 707.)

WITHIN the space of somewhat more than eleven hundred pages the author of these volumes has undertaken to present a compact account of

the historical development of Spain. His theme is the whole course of the events in which the dwellers on Spanish soil have been interested, from the settlements of the Phenicians to the birth of the present youthful king. The great divisions of the material here included, the domination of the Romans, the invasion of the Goths, the conquests of the Mohammedans, the rise of the Christian kingdoms, and the triumph and union of the Christians follow one another like the acts of a great drama; and in presenting a general view of the whole period one might be expected to allow his work to be more or less influenced by the dramatic character of his subject. In this case, however, there are few signs of such influence. The qualities of the book in question suggest that the writer had planned an abridged chronicle rather than a general history of Spain. If he had intended to construct a narrative which should leave on the mind a clear and truthful impression of the main features of social progress in Spain, it is legitimate to assume that he would have made a special effort to set forth the several parts of the picture in correct perspective. Other qualities are here discovered which indicate that whatever may have been planned, the work produced has many of the characteristics of a chronicle. Some of these are a very sparing use of general statements, an endless procession of facts stated in conventional form, and such an array of personal names as to make it impossible to see the social groups in action, by reason of the multitude of individuals. In spite of the attractiveness of the subject, the striking crises, the brilliant characters, and the strong lines of original development, our author appears to have found little inspiration in it. He turns to his undertaking as one takes up a wearisome trade, and indicates his attitude towards it in different parts of the preface; in three separate paragraphs he refers to the production of this book as a thankless task. After this the reader need not be surprised if he finds in it a certain lack of spirit, or a lack of those qualities which enable him to derive from it an easily remembered general view of the historical development of Spain. It may, however, be found to be useful in other ways. As an extended syllabus, covering all periods of Spanish history, it may be of service to the student entering upon an elaborate study of this subject. Yet for this purpose it lacks one of the requisites of a guide; it contains no account of the original sources, and no references to the works embodying the results of previous investigations. That the parts of this book devoted to the institutions and civilization of Spain are so limited in extent and superficial in character may, perhaps, be due to the fact that the author has for twenty years been collecting material for a thorough and special work on this subject (Vorwort, v), and has consequently not wished to waste his thunder on an outline with the scope and purpose of the present volumes.

The chapters which deal with the period of Mohammedan conquest and rule enter largely into the details of internal movement, but afford very few enlightening glimpses into the forms of culture and the methods of social action. If one is already familiar with the Mohammedan history

of Spain, these accounts of wars and insurrections, and the multitude of names of legitimate and illegitimate leaders, may suggest the flesh and blood which belong to the skeleton ; but to one who has not this extensive knowledge the skeleton remains a skeleton, and suggests only its own painful presence. Reading the pages under the heading, "The Arabian Culture of Spain," does not impose the necessity of an extensive modification of this statement ; for while they contain many important facts concerning the Mohammedan civilization of the period, these facts are not presented in such an organized form as to make a single strong general impression. The two hundred and fifty pages of the fourth book, embracing the reigns of the Hapsburg rulers, are much more satisfactory than other parts of the work, which deal with subjects less familiar to the ordinary students of European history. The investigations of previous writers have made the way through this period very plain, and the dependence of external events on certain conspicuous dominating ideas of the time has made easy a broad and general treatment of it. In this period of Spain's external expansion, her striking foreign relations attracted the attention of the world ; and by the fact of her conspicuous position foreign historians have been led to give much space to the record of her affairs at this time. Yet it was a period of internal decline. In the two hundred years previous to the close of the seventeenth century, the country had lost nearly four millions of its inhabitants, leaving only six millions. The eighteenth century, on the other hand, was a period of recovery, in which the population of Spain rose from six millions to ten and a half millions. Although in this period the government was obliged to acknowledge the defeat of its ancient commercial policy with respect to the colonial possessions, yet the nation as a whole, however weak and inefficient some of the rulers may have been, grew in wealth and population, and passed through various stages of recuperation. It is this fact that entitles the affairs of Spain in the eighteenth century to a larger place in history than is likely to be given them by those who think of that century simply as a period of collapse after the culmination of the nation's greatness. The comparatively small number of pages devoted to it by Dr. Diercks seems to indicate an underestimate of its historical significance. The portion of the book which treats of the affairs of the present century will probably be read with more interest than any other, inasmuch as it is one of a few attempts to combine in a single brief account the various phases of Spanish life in an age of apparently hopeless confusion. From these chapters one may get a fairly clear view of the main movements in a very complicated game, and the impartiality of the writer prevents the view from being one-sided. In dealing with subjects in themselves complex, like the struggles of the Spanish political parties in the present century, Dr. Diercks is aided by a clear style ; in fact, this is a conspicuous quality of his writing throughout the book.

BERNARD MOSES.

Geschichte der Päpste seit dem Ausgang des Mittelalters. Von LUDWIG PASTOR. III. Bd.: *Geschichte der Päpste im Zeitalter der Renaissance von der Wahl Innocenz' VIII. bis zum Tode Julius' II.* (Freiburg i. B.: Herder. 1895. Pp. lxxvii, 888.)

It is now nearly a decade since this work began to see the light: its first volume appeared in 1886, its second in 1889. Its author reckoned its extent at six volumes. In the first he surveyed the introductory period of Avignon, the Great Schism, and the Councils, from 1305 to 1447, when with Nicholas V. the Renaissance mounted the papal throne; and he covered also the pontificates of Nicholas and of Calixtus III. The second, beginning in 1458, was to complete the age of the Renaissance; the remaining four to be divided between "the three great events which, together with the Renaissance, dominate modern times" — "the great western *Kirchenspaltung*, the Catholic Restoration, and the modern Revolution." But already the second volume, overwhelmed by its materials, broke off at 1484. The third, which had hoped to reach the Lateran Council of 1517, fills a hundred pages more than its predecessors, yet gets no further than 1513. Professor Pastor, born in 1854, is still a young man, and no scholar will grudge him his multiplying pages; but it is clear that we have here to do with a life-work.

True, the last half-dozen years have seen other fruit of his pen: fresh editions, much revised, of his two earlier volumes, — the life of his master, Janssen, — two thick volumes of that master's unfinished *Geschichte des deutschen Volkes*, published from the deceased scholar's papers indeed, but completed and enriched by his pupil, who has now promised to carry the work to its end. But surely not even a German scholar, even had he not academic and editorial duties beside, can count on a normal activity so great. And Dr. Pastor makes no light work of historical research. Almost appalling is the list of authorities prefixed to this volume; yet its twenty-seven pages name only those repeatedly cited, leaving to the foot of his text the multitude which have but a single mention. It is amazing what an eye the author has for every out-of-the-way thesis, magazine article, book-review, in the field of his study. And the digestion of this vast literature is but the smaller half of his toil; it is the peculiar claim of his title-page that he writes "with use of the papal secret archives and of many other archives." No less than seventy-six such collections of manuscripts are enumerated as laid under tribute, several of them not before accessible to the trained historian. For Herr Pastor is the first to profit, in this most delicate field of research, by the new generosity with which the Roman see, under the present scholarly and far-sighted pontiff, has thrown open its records; and it is well known what a lively and helpful interest the ecclesiastical world, from His Holiness down, has taken in his work.

From such a zeal and such an equipment the world has a right to expect much; and it has seemed, on the whole, despite an occasional

caustic review from partisan quarters, not disappointed. This third volume has the qualities of its predecessors — the abundant erudition, the sane and self-reliant criticism, the quiet, sustained, and self-respecting narrative, but also the excessive caution, the half-apologetic flavor, the close adherence to the form of its authorities, the mosaic method by which, to the umbrage of his critics, its author makes even moderns furnish whole paragraphs of his text. Yet, as to this last, it were unfair not to add that he frankly disclaims the wish "to say better what has once been well said" — and, while he so loyally credits his loans, he may well be right.

A long introduction is devoted to "the moral-religious conditions and vicissitudes of Italy in the age of the Renaissance," wherein the author again emphasizes his distinction of a Christian Renaissance from the pagan. The volume then falls naturally into the three books suggested by the pontificates of Innocent VIII., Alexander VI., and Julius II., the month-long reign of Pius III. making but a prefatory episode in the third. A sixty-page appendix of unpublished documents — some of them of exceeding interest, as e.g. the outline of Alexander VI.'s unfulfilled reform-project of 1497, whose full text we are later to hope for — closes the book.

It would be almost impertinent to mention the religious faith of a writer so scientific in spirit and method, did he not himself so put in the foreground his orthodox Catholicism. But, orthodox Catholic though he frankly is, he is no mere Ultramontane apologist. As his epigraph, he takes the words of Leo the Great, "*Petri dignitas etiam in indigno herede non deficit*"; and, while rejecting much of the scandal born of partisan hate, and making the popes of the Renaissance not monsters, but intelligible, and even likable, albeit erring, mortals, none has ever more relentlessly established the selfish cowardice of Innocent, the sensuality of Alexander, the violence of Julius, the unblushing simony of all three. As to the Borgia, he even dares to declare that "*jeder Rettungsversuch erscheint fortan als aussichtslos*." Nor are these great sinners mere scapegoats: it is the merit, as it is the charm, of Pastor's treatment, that even his heroes seem to need no background, and win our interest without cost to their humanity. It would be easy to point out places where his sympathies seem to have colored his interpretation, or to have blinded him to a more obvious meaning of facts; but he has neither overlooked nor concealed the facts themselves. He is a Catholic, and human; but he is an honest man.

It is in respect of this fairness that he least suggests that other great Catholic historian of our day, to whom he owes so much, — his master, Janssen. The influence of master on pupil is visible everywhere, and appears even in the outer form of their volumes. The learning of Janssen was not less great, his criticism not less keen, his style more lively and varied, his grouping more dramatic, his honesty of purpose doubtless not less real. But he was, through and through, a special pleader — in the selection of his materials, in their arrangement, in their use: the most consummate, perhaps because the most unconscious, of advocates. The

history of modern Germany can now never be read without him ; but it can never be safely read with him alone. His more happy pupil has not only the aim of fairness : he has what is rarer — the power.

If ever this seems to fail him, it is where the master's influence is most direct. Were he not fresh from editing that eighth volume of Janssen, where, with a casuistry almost equal to its learning, the guilt and significance of the witch-bull of Innocent VIII. are obscured, it may well be doubted whether Professor Pastor would have dismissed this episode with naught but apology. True, the importance of the bull has been often exaggerated, and oftener misunderstood. It may well be that its acceptance of the witch-superstitions was no dogmatic decision : that is a question for the theologians, and no historian but will rejoice that Catholics grant it no binding force. It were folly to suspect the easy-going pontiff of anything worse than that unscrupulous selfishness of which Herr Pastor himself convicts the "*grenzenlos schwache Mann*": the Dominicans were, perhaps, but receiving their return for that election whose corruption he so sternly exposes. But to one who knows how Pope Innocent's credulity, though it were no more, set the seal of supreme approval upon cruel delusions still hotly contested within the pale of the church herself, and what a part his bull played thenceforward, in the hands of persecutors, clerical and lay, shutting the mouths of brave churchmen who would else have faced them down, his historian's acquittal must bring a pained surprise.

But, to the English reader, there is another whose work even more than Janssen's presses for comparison with that of Pastor. Side by side with the Catholic historian, an eminent Anglican scholar has grappled with the same theme, and the volumes of Bishop Creighton have a few years the start. Those dealing with this period appeared in 1887, and devote to it somewhat less than half the space of the German volume. For grasp and lucidity, for insight and fairness, the English scholar has nothing to fear from the comparison ; and it should be to him matter of pride that the German, with all his fresh sources, has found so little to correct or to add. It is clear, on the other hand, how much he constantly owes to the English writer's suggestion. But, if Bishop Creighton's is the more statesmanly eye, the more picturesque pencil, the more terse and virile exposition, the more luminous consciousness of the general politics of Europe, Dr. Pastor's is yet the surer, the warmer, the subtler touch. And, though the Englishman draws more largely on the gossip of Infessura, of Burchard, of Paris de Grassis, while the more cautious German ignores many a good story which he cannot prove, the latter is often the less conservative of the two. Not a few charges questioned by Creighton are established by Pastor — instance that most damning count of the birth to Alexander VI. of a son during his papacy ; and, in general, the idea he gives us of these Renaissance popes, if more sympathetic, is less flattering. Savonarola both treat with much fulness and with singular concurrence — maintaining his honesty and his Catholic orthodoxy, rejecting his garbled confession, and laying the blame of his fate on his part in politics, and the inevitable

collision with the Roman curia ; and both, in preferring the documents to the biographers, fail to grasp the wholly altered worth given the latter by Villari's discovery of the earlier form and the contemporary sources of the so-called Burlamacchi.

That, in the search of truth, two scholars so severed by religious environment should have reached such agreement, in such a field, is one of the encouraging things of modern historical research ; and the generous policy of Pope Leo XIII. could hardly ask a better proof that the defenders of the church have nothing to fear. The real issue, so long obscured, is not one of fact, but of faith. It is to be regretted by students of church history that Professor Pastor has promised now to turn his attention to his continuation of Janssen. If, when he comes back to his own work, he can carry it through the yet more difficult period that next awaits him with the fairness of spirit and the unfailing courtesy which mark his volumes thus far, he will have earned as few others the gratitude of the Christian world.

GEORGE L. BURR.

Calendar of State Papers, Spanish. Vol. III., *Elizabeth (1580-1586)*. Edited by MARTIN A. S. HUME. (London : H.M. Stationery Office. 1896.)

THE material calendared in this volume is drawn mainly from the correspondence of Spanish agents in England, and other papers relating directly to English affairs, preserved in the Spanish Archives at Simancas. But a considerable number of the documents are from the Simancas papers removed to Paris by Napoleon during the Peninsular war. Students who have writhed under the inaccuracies of Spanish editors will be glad to know that Major Hume has carefully transcribed or collated all the documents in this volume, which includes all the Spanish State Papers touching the relations between England and Spain at a period when the history of either of these countries was the history of the world.

The opening pages usher us into a time of great anxiety for Elizabeth. Spanish dockyards were noisy with Philip's naval preparations. Both Spain and the Pope were giving the Irish rebels active support. Seminary priests and the other adherents of Mary Stuart were raising their heads all over England. The Queen's own popularity was suffering on account of the projected marriage with Alençon.

Orange, inflexible and unwavering, saw only one way to attract to the national cause the Catholic Flemings and Walloons ; namely, to call in Catholic Alençon to assume the sovereignty of the States. But Elizabeth was ready to sacrifice her last shilling and her last Englishman to prevent a French domination of Flanders. If Alençon went there at all, he must go under her patronage and with the support of the French Huguenots. Yet she durst not go so far as to drive the French king into the arms of Philip, and therefore beguiled Henry III. with the idea of his dynastic aggrandizement. A better understanding between England and France, and a re-

kindling of the smouldering troubles in Flanders, would best offset Philip's conquest of Portugal, which was now imminent. It was essential for Alençon to convince the Dutch that the Queen would certainly marry him and aid him in Flanders with all her power. He was dazzled by the brilliancy of the English match, and hoped against hope that she was in earnest. On the other hand, he durst not appear too easy in the matter of religion, for fear of alienating the Catholic Flemings and Walloons.

Such is the labyrinth out of which Major Hume's volume guides us. On page 4 of the *Calendar* is an important letter from Philip's ambassador in Paris, Vargas, which reveals a new element of intrigue against Elizabeth. Guise and Beaton had prevailed upon Mary Stuart "to place herself, her son, and her realm in the hands of his Catholic Majesty unreservedly." This meant the detachment of the Guises from French interests. Vargas jumped at the idea. "Such," he says, "is the present condition of England . . . that I really believe if so much as a cat moved, the whole affair would crumble down in three days." Philip answered that he would lovingly welcome the King of Scots to Spain and "treat him as his own son," not the happiest way of putting it so soon after Don Carlos's death. He also promised to help the Queen when the time arrived (p. 23). Mary Stuart did not realize that it was her own death which would make that time arrive. For it is doubtful whether Philip would ever have sent the Armada to place her, a Frenchwoman and a Guise, upon the throne of England. Her accession might easily have caused a union of England and France against Spain. Not till Philip could feel sure of conquering England for his own aggrandizement alone; not till Mary Stuart, having made him heir to her claims, had mounted the scaffold of Fotheringay, could he be whole-hearted in undertaking the invasion.

While Scottish Catholics, Guises, and Spaniards were intriguing to make Great Britain an appanage of Spain, humiliate France, and crush out Protestantism in the Low Countries, Mendoza, afterwards the greatest plotter of all, was warning Philip (p. 8) against the rapid growth of that sea power which was so soon to blast the hopes that had inspired, ever since Mary Stuart's flight to England, the great conspiracy of Catholic Europe. Drake's arrival at Plymouth with his rich spoils was almost simultaneous with the landing in Ireland of the Papal forces sent from Spain. During the rest of Mendoza's residence, Philip's aid to Elizabeth's rebels, and the attacks of the English upon Philip's ships and territory, were the ever-recurring subjects of complaint. The ambassador's relations to Queen and people grew daily more strained. While Drake was sunning himself in the royal favour, Mendoza was excluded from the Queen's presence, and had to vent his wrath in threats which he hoped would reach her ears. But Elizabeth and her ministers knew that Philip's hands were full in Portugal, and that he could not spare a man nor a ducat to hurt her.

Meanwhile, Alençon really frightened her by agreeing to all conditions for the match and asking her to set a day for the nuptials. She evaded him, however, and still the marriage negotiations went on. Philip naturally

feared they might lead to a formal alliance between England and France. For the adherents of Don Antonio, the Portuguese pretender, were trying to induce both Catherine de' Medici and Elizabeth to restore him to his throne; and about this time a party of Portuguese landed in England, amongst whom was a certain man "under the middle height, with a thin face, and very dark, his hair and beard somewhat grey, and his eyes green." This was Don Antonio himself. Mendoza complained, and Philip wrote to the Queen requesting his expulsion or surrender, but all to no purpose.

Meanwhile, Alençon, after his deplorable failure in Flanders, crossed to England, where Mendoza's swarming spies (more than one privy councillor was in his pay) brought him accurate information about Queen and lover. Through all the intricate and shifting phases of the negotiations, the Queen's object remained steadfast. In spite of kisses and rings, it was, as Mendoza told Philip, to avoid offending Alençon, and "to pledge him so deeply in the affairs of the Netherlands as to drive his brother into a rupture with your Majesty . . . while she keeps her hands free, and can stand by looking on at the war."

Mendoza met the Queen's attempts to secure an alliance with France against Spain by intriguing with the English and Scottish Catholics. He became the confidant of Mary Stuart, who wrote him (p. 215) that she was resolved "to follow as far as I can in the conduct of my affairs the wishes of my good brother, the King of Spain." She had already begged Philip for armed aid, and Mendoza strongly advised his master to send troops to Scotland. Granvella warmly seconded (p. 309) the ambassador's recommendation. When, however, Philip heard of the "Raid of Ruthven" and the flight of Lennox, he saw that the Scottish enterprise was hopeless for a time. Guise, too, thought immediate action in Scotland inadvisable, and informed Tassis that he was going to begin operations with the English Catholics. The Queen was first to be murdered, the country raised; Philip and the Pope must provide him at once with 100,000 crowns (pp. 464, 475, 479).

Elizabeth got wind of Guise's intrigues, and at once opened negotiations for the release of Mary Stuart. Mendoza was frightened. "Nothing could be more injurious to your Majesty's interests," he wrote (p. 465).

So soon as James extricated himself from the guardianship of the Scottish lords, Guise could hope for speedy success. His elaborate plan now provided for a co-operation of Spaniards and French with the English North Country and the Scottish Catholics of the borders. He averred that he undertook the enterprise only "to re-establish the Catholic religion in England, and to place the Queen of Scotland peacefully on the throne of England" (p. 806). And soon Guise performed a master-stroke, to which I would call especial attention. He persuaded the Scottish Catholic lords to offer Philip "one or two good ports in Scotland near the English border, to be used against the Queen of England" (p. 590). Mendoza hotly advocated the scheme in a remarkable state paper (p. 681) which he sent to the King. Too late Philip learned the meaning of the ambassador's

words: "In the event of the loss of a great fleet, the owner sees himself bereft at one blow." And certainly the lack of a good harbor was a chief element in the catastrophe of the Armada.

But Mary Stuart, who had for twenty years inspired the policy of Catholic Europe, knew (p. 663) that her remarkable career was over. And whether Philip admitted it to himself or no, he could but rejoice at her impending doom. It is possible that he might, as her heir, have brought himself to invade England and place her on the throne. His opportunity was good, but it wanted one thing to make it perfect, and that was the death of Mary, Queen of Scots.

For the special student of the sixteenth century, a recommendation of Major Hume's scholarly *Calendar* is superfluous. But I venture to say that all who love history will read with delight the brilliant essay which appears under the modest guise of an introduction to the present volume.

W. F. TILTON.

The Courtships of Queen Elizabeth. A History of the Various Negotiations for Her Marriage. By MARTIN A. S. HUME. (London: T. Fisher Unwin. 1896. Pp. 333.)

MAJOR HUME is well known as the scholarly editor of the *Calendar of Spanish State Papers (Elizabeth)*. His present work, a handsome volume, embellished with portraits and with designs from some of Queen Elizabeth's own books, is based on an overwhelming mass of original documents—French, English, Spanish, Venetian. While more than fulfilling in vivid picturesqueness the promise of its title, it is at the same time a masterly treatment of an unusually complicated period in the history of Europe. It is a book for all lovers of a well-told, romantic story, as well as for all students of the sixteenth century.

Until Elizabeth was fifty, there was no marriageable prince in Europe whom she had not considered as a possible consort. Though long after this age the vain old queen loved to simper at the lover's strain in which courtiers and foreign princes were cunning enough to address her, the present volume wisely deals only with those courtships which hide a deep political meaning, and reveal not only the queen's waywardness and fickleness as a woman, but also her astounding aptness in the political double-dealing of the time.

Philip the Second had been taught by his father to look upon marriage as the true way to add Great Britain to his empire. As Mary Tudor's husband he had been titular king, and was not ashamed to woo the daughter of Anne Boleyn, whose elevation to the throne had been such an outrage to the Spanish nation. Baffled in this suit, he continued to seek the aggrandizement of his house by attempting to procure Elizabeth's hand for one or another of the Hapsburg archdukes. But Elizabeth, pleased as she was personally by these flattering suggestions, knew that old Catholic Spain and youthful Protestant England could never be true allies. Her only disap-

pointment was that Philip proved too wary to give her, by a formal offer of his hand, the pleasure and the prestige of absolutely rejecting him.

With France the case was different. France and England, though natural rivals, were drawn together by a common enmity to the overwhelming power of Spain. The great aim of Elizabeth's foreign policy was therefore to foster the hostility of her two powerful rivals in order to keep her own hands free. Nothing could better promote this end than persistently to dangle before the eyes of Catharine de' Medici a match between Elizabeth and her son Alençon. Such a match was in reality impossible because the ambitious, crafty queen wished, not a dynastic alliance which might result in French supremacy over Great Britain, but simply that France should not take sides with Spain against herself. Yet Elizabeth was woman as well as queen, and when Alençon came to England she was nearly carried off her feet by her passion for the pockmarked little Frenchman, twenty years her junior. But her astute judgment always got the upper hand. Again and again it seemed she must marry him or repulse him finally, but she always found a loophole for escape. This royal game of hide-and-seek went on for years, watched by Europe with eager interest. Philip the Second was in great fear that it would result in the dreaded political alliance. Henry III. was anxious to get rid, by so brilliant a match, of his turbulent brother, who by ogling with the Huguenots threatened to divide France, and by his mad escapades in Flanders might force him into war with Spain. William of Orange hoped the match would enlist Elizabeth's whole strength in the Dutch struggle for independence. Elizabeth alone attained her immediate ends. Her statecraft, though now and again shaken by a surge of passion, kept her suitor at a distance without wholly estranging him. At his death Henry of Navarre became heir to the throne of France. The ultimate success of Protestantism under Elizabeth's lead was assured. There was no further need for Elizabeth to gain political ends by marriage with a great foreign prince. Yet she had not blushed to keep up the comedy even after her lover lay cold in death. "You have another son," she wrote Catharine de' Medici, "but I can find no other consolation than death, which I hope will soon enable me to rejoin him." It is impossible to believe that even Elizabeth's commanding mind could have mapped out beforehand the tortuous policy which she followed with such eminent success. But no monarch could have steered England through those troublous times, whose statecraft did not bear a close resemblance to the arts of the accomplished coquette.

W. F. TILTON.

The First Whig. By Sir GEORGE SITWELL, Bart. (Scarborough, England. Privately printed.)

It is a hopeful sign of the times when one sees a man occupying Sir George Sitwell's position finding time, in the midst of an active political career, to undertake original research in the field of English history. Favorably known already by his *Barons of Pulford*, one of our best recent

monographs on Norman genealogy, he here makes the parliamentary career of William Sacheverell a peg on which to hang his account of the origin of Whigs and Tories and of the events which led up to the Revolution of 1688. It is not, we learn, of deliberate design, but as the result of independent inquiry, that the author has found himself compelled to issue a counterblast to Macaulay and to condemn the Whigs, in their origin, along the whole line, as a party unconstitutional and even rebellious in its aims, unscrupulous and even criminal in practice. In a powerful and original introduction he contends that "we have to deal with a conspiracy against the truth of history as audacious, deliberate, and triumphant as that which consigned the Yorkist chronicles to the flames after the triumph of the House of Lancaster." The long spell of Whig ascendancy secured for the party legend an historical position so strong that we are still, he urges, beneath its influence and need to be rudely awakened from what our fathers have taught us.

The backbone of Sir George's indictment against the Whig party is found in the Popish Plot, an episode, no doubt, of which it would be difficult to speak too strongly. This effort to kindle to a flame the national horror of Rome he treats as characteristic of a struggle which, in his eyes, was not for liberty, but was throughout animated by intolerance and bigotry. In justification of this strong view he claims to judge the Puritans, whose political successors he holds the Whigs to have been, by their conduct when "in New England they had the opportunity of putting their principles into practice." To contrast, in their free development, the Stuart and the Puritan ideals, "it is to the New World rather than to the Old that we must turn." Sir George accordingly exalts the policy of Lord Baltimore and Penn, the friends and *protégés* of the first Charles and the second James, at the expense of Puritan bigotry in New England. The conclusion at which he aims throughout is that "the Whigs must be judged by their legislation against the Catholics in Ireland, England, and America; the Puritans by their attacks upon other religious sects in the New World; the Stuarts by James the Second's Declaration of Indulgence and his release of those who were in prison for conscience' sake."

That Macaulay's highly-colored prose epic should arouse vigorous retaliation is not merely natural, but just. The book before us, however, is no mere counterblast: it is based on original authorities and its facts cannot lightly be dismissed. The two main points which the author sets himself to establish are, firstly, that the Whig leaders were cognizant of, and in sympathy with every plot against the Crown, even where assassination was involved; secondly, that they organized, at great expense, the annual "Pope-burnings," in order to inflame the Protestantism of the people to their own profit. The former charge raises a question that meets us from time to time in history and is always one of difficulty and delicacy. It is only a few years since a political *cause célèbre* brought it before us once more. How far is the moderate wing of a political party responsible for the violent measures of its more extreme members? Sir George relies

largely on the evidence, wholly new, he assures us, that he has here brought to light concerning the "Green Ribbon Club," the headquarters of the party. He has carefully ascertained its membership and traced its history in these pages. On his other point, the annual Pope-burnings and the electioneering methods of the Whigs, he has similarly produced much curious information, deserving of careful study. If one were to offer a criticism on his history it would be perhaps, that however unlovely, and at times hypocritical, were the methods and professions of the Whigs, there was more excuse than he is willing to admit for men living only a century after the massacre of St. Bartholomew, and its approval by the Pope, for a blind terror of Rome and its ways that to us, after three times that interval has elapsed, is not easy to realize. One of the most definite lessons that history has to offer is that the Pope and his followers reaped as they had sown. If our forefathers looked on a Roman priest much as in the present day we should look on a man-eating tiger, it was not without a cause. For, as Sir George inadvertently admits, though it is of the Puritans that he speaks, "to those who accept the doctrines of exclusive salvation . . . persecution must ever be the first of religious duties."

William Sacheverell himself has virtually been discovered by the author. A remarkable parliamentary orator and a leader of the Country party, he seems to have taken the leading part in suggesting the Bill of Exclusion. An exquisite frontispiece gives us his portrait. Of the illustrations, some fifty in number and all taken from contemporary sources, it would be difficult to speak too highly. Indeed, the book, which is printed at the author's private press, is not merely of real value to the students of a fascinating period, but is a gem to be prized by collectors. One can only regret that, of necessity, its possession must be confined to few.

J. H. ROUND.

Municipal Government in Continental Europe. By ALBERT SHAW, Ph.D. (New York : The Century Co. 1895. Pp. xii, 505.)

IN a former volume Dr. Shaw undertook to explain to Americans the municipal system of Great Britain and what it accomplishes. He now undertakes a similar task with reference to the cities of Continental Europe. The thoroughness of his studies, made for the most part in close contact with the institutions under discussion, and his clear insight into their working, have led to the production of two volumes which place all students of municipal government under obligations to him.

The impression has prevailed in the United States that the rapid growth of urban population is a peculiarly American phenomenon — an impression which Dr. Shaw's books ought to correct. Urban development is the accompaniment of industrial development ; and the latter is a characteristic of Western civilization wherever it is found. From the fact that the industrial revolution took its rise and attained its highest development in the British Isles, it is a natural sequence that there the largest proportion of

urban population is to be found. Practically two-thirds of the Scottish people now live as townsfolk. Town life will soon prevail for three-fourths of the English people. Even France, the home of the peasant-proprietor, cannot escape the universal movement. In the five years from 1886 to 1891, there was an increase of 340,000 in the population of the fifty-six largest cities and towns, while the total increase of the whole population of France was only 125,000. The same phenomenon is to be noted in Germany, Belgium, and Holland, as well as in southern and southeastern Europe, where municipal activity is putting a new aspect on the historic cities of the Italian peninsula and the Danube valley.

One of the most notable chapters in the history of cities during the last half-century is concerned with the transformation of Paris and Vienna. These mediæval capitals were an intolerable anachronism. Through the activity of Baron Haussmann, Paris has become the typical modern city. Whatever the political follies of the Second Empire may have been, its existence is to some extent justified by the superb system of avenues and boulevards, parks and squares, public buildings and sewers, with which it has endowed the national capital. Vienna also has undergone a metamorphosis as striking as that of Paris. By the removal of the fortifications surrounding the capital at the accession of Francis Joseph in 1848, an area greater than that of the whole inner city was laid bare. Systematic plans for its improvement were devised, and their execution was intrusted to a commission appointed by the Emperor and accountable to the central government. The wisdom of this policy has long been acknowledged, and it is a sufficient answer to Dr. Shaw's criticism of Chicago for not improving her opportunity after the fire of 1871. "The town council," he says of Vienna, "could not have adopted so liberal a plan." This is much more true of the Chicago Board of Aldermen; and Chicago possessed no enlightened emperor to save her from her mistakes. Such far-reaching projects as those involved in the reconstruction of Paris and Vienna cannot be looked for in America until more efficient means of municipal administration prevail.

The municipal system of France grew out of the changes inaugurated by the Revolution. When the instrument since known as the Constitution

was in process of formation, the first part of it to be worked out was the regulations for the creation of new municipalities and self-government. The passion for abstract political truths, the desire for simplicity and uniformity of administration, which characterized the members of the Constituent Assembly, are clearly reflected in the municipality of 1789. The ancient provinces, the very names of which were a relic of centuries of French history, were abolished, and a geographical system of departments, districts, cantons, and communes took their place.

The system had two great faults. It was too elaborate for the towns, and the people had not yet learned the lesson of self-government sufficiently to operate it with success. But the series of departments which it was based remains to this day.

the political ideas of the government at Paris have changed, the

municipal system has been correspondingly modified. By 1795, a tendency toward centralization had set in, and its effect on local government is seen in the substitution of a *Commissaire*, appointed by the Directory, for the *Syndic Procureur*, who was elected by the people of the department. But this was only the beginning. After 1800, "there existed in France no authority that could repair a village bridge, or light the streets of a town, but such as owed its appointment to the central government."¹ The prefect, an old officer under a new name, now made his appearance. The old district of the system of 1789 was revived under the name of *arrondissement*. After the Revolution of 1848, confidence in the principle of municipal home-rule dominated legislation. But with the establishment of the Second Empire, the administrative machinery of the First Napoleon was revived. The influence of the Emperor was exerted for municipal progress, but its educative effect upon citizenship was bad. When the Third Republic was established, conservative influences prevailed to such an extent that the government was unwilling to relinquish all control of municipal affairs. But the experience of the years immediately following showed this conservative timidity to have been ill-founded, and the central government came to exercise only a nominal control. In 1884, the great municipal code was enacted and every vestige of earlier legislation was repealed. The code consists of 168 articles, the first of which says, "The municipal corps of each commune shall be composed of the municipal council, the mayor, and one or more adjuncts." The order in which these officers are designated is significant of their relative position in the French administrative system. But Paris is still actively governed, as under Louis Napoleon, by the prefect of the Seine and the prefect of police, appointed by the general government and amenable to the Minister of the Interior.

As a whole, the German system does not differ radically from the French. Its framework is not marked by the symmetry and uniformity which characterize the French system, but it accomplishes practically the same ends. The governmental reforms of Stein, Hardenberg, and their successors were not accompanied by a complete change of municipal machinery as was the case in France; but the existing institutions were made to serve new purposes and satisfy the requirements of new conditions. The result is an admirable adaptation of means to ends. The central government maintains a more direct control of the police in Germany than in France, and municipal suffrage is more restricted. The three-class system of voting prevails, so that property interests are largely represented in the city councils.

The German city is pre-eminently a social organism. At almost every point the life of the citizen is brought into contact with the city. There is no limit to the functions that it undertakes. A bare list of its enterprises is bewildering in its comprehensiveness. In their methods of conducting municipal business, and especially in dealing with corporations operating public franchises, the Germans have set an example worthy to be followed. The contrast between German and American methods is well stated thus :

¹ Fyffe, *Modern Europe*, I. 208.

"In studying these German contracts one is always impressed with a sense of the first-class legal, financial, and technical ability that the city is able to command; while American contracts always impress one with the unlimited astuteness and ability of the gentlemen representing the private corporations."

Dr. Shaw has given us the most complete account of municipal government in Europe that has yet appeared. He has not only described the French and German systems, but has also devoted chapters to the municipalities of Belgium, Holland, Italy, and Spain. His work is marked throughout by the lucid arrangement and careful scholarship for which he is so well known. A few errors, however, may be noted. The number of departments into which France was divided in 1789 was eighty-three, not eighty-nine. In his treatment of the cantonal divisions of 1795, the author conveys the impression that the cantons were new creations of the legislation of that year. This, however, is not the case. The cantons were a part of the legislation of 1789-1790. But there they were merely electoral districts of little importance. What the constitution of 1795 did for them was to increase their importance by conferring upon them the functions of the districts which were abolished. But the most serious deficiency of this volume — and the same may be said of its predecessor — is the total absence of bibliographical data. Perhaps in subsequent editions Dr. Shaw will see fit to remedy this defect.

CARL EVANS BOYD.

Economic History of Virginia in the Seventeenth Century. An Inquiry into the Material Condition of the People, based upon Original and Contemporaneous Records. By PHILIP ALEX-
ER BRUCE. (New York and London: Macmillan and
1896. Two vols., pp. xix, 634, 647.)

A LARGE portion of this work relates to the economic history of Virginia in the seventeenth century, in which particular field it is, I believe, of great value and its value unquestioned. About one-third of the book is devoted to the period of the Virginia Companies (1606-1624). This was an important period, especially after 1609; but beginnings are always long, and the comparatively large space given to this brief period might be criticised. Mr. Bruce regards Captain John Smith as "the savior of the community," and much of this space is given up, directly or indirectly, to supporting this view; that is, to taking Captain Smith's side of the issue which it pleased him and his writers to make with the managers of the first colony of Virginia (1606-1609) and the Virginia Company of London from 1609 to 1624, that Mr. Bruce (of honesty of purpose and of opinion I do not question) has failed to give a fair idea of that company, its purposes and accomplishments, and has dealt fairly with those who really succeeded in planting and estab-

lishing the colony. Hence, many of the references during the period 1606-1624 must be received with caution; for there is ample room for an honest difference of opinion, at least, as to many of them, and some of them are certainly errors. But after Mr. Bruce has cleared these meshes I find little room for adverse criticism.

The frontispiece to Vol. I. is a reduced fac-simile of Hermann's map of Virginia and Maryland. The work is outlined in a preface of five pages. The long list of authorities from which the volumes have been compiled occupies the same number of pages.

The work itself is divided into several subdivisions, namely: — I. "Reasons for the Colonization of Virginia." One chapter of 70 pages is given to this division. A good deal of this chapter is devoted to Smith, and there may be differences of opinion as to other views expressed therein; but in order to find out correct history it is necessary to consider all sides, and however I may differ with Mr. Bruce on certain points, I do not hesitate to say that the whole of his work deserves to be carefully read by all historians. II. "Aboriginal Virginia." To this two chapters are given, one on its physical character (65 pages), the other, on Indian economy (45 pages). Each of these subjects is here more fully treated than in any other work; even to give the names and titles of the very numerous items considered or mentioned in the various subdivisions would require more space than I have at my command. III. "Agricultural Development"; four chapters: 1607-1624 (87 pages); 1624-1650 (69 pages); 1650-1685 (79 pages); and 1685-1700 (63 pages). This is an especially interesting and important subdivision, and Mr. Bruce is especially well equipped for treating it fully. The most important item is tobacco, and the history of its development is given from the beginning, as well as of the numerous other things especially pertaining to agriculture — wheat, corn, implements, stock, farmers, tenants, wine, silk, land, its cultivation, fences, cotton, flax, hemp, free trade, freights, prices, duties, highways, bridges, ferries, overseers, etc., etc. IV. "Acquisition of Title to Land — the Patent." One chapter of 85 pages gives a full history of the subject in all of its phases, beginning with the Indians, and ending with the recording of conveyances and acknowledgment of deeds. V. "System of Labor." This is again divided into "The Servant" and "The Slave." To the first are given two chapters (119 pages), to the second one chapter (74 pages). Both classes are exhaustively treated. The "servants" were generally white, though some were Indians and negroes. The "slaves" were generally negroes, but some of them were Indians. This subject is in line with some of Mr. Bruce's previous literary labors, and his views thereof are of peculiar interest. He explains the meaning of the words "servant" and "transportation"; the condition of the English laborer at this time, his wages and opportunities; the indentures of servants, their terms of service, etc.; and similarly of the slave. Of course, many of Mr. Bruce's statements may be questioned; but this is really the fault of his authorities rather than of himself; his own untram-

melled views are generally broad enough to overshadow adverse criticism. VI. "Domestic Economy of the Planter" is well considered in two chapters (111 pages). Bricks are among the numerous things treated of. That they were made here from the first is certain, that they were ever imported is doubtful; but the story of the house built with brick imported from England is as dear to the minds of many as Smith's story is to the minds of others. Neither is at all creditable, but old traditions and ideas are almost ineradicable. An old friend was telling me some years ago of "a house built [by one of his ancestors] before the Revolution in Amherst County, Virginia, of bricks imported from England." I showed him that the price for making brick at the time in that county was three shillings (Virginia money) per thousand, and that they would have cost to buy, import, and haul up from tide-water, about a penny apiece; but I did

his faith in the old story, although it amounted to believing that or was devoid of common understanding. VII. The relative states is briefly but quite exhaustively treated. Manufactured oreign and domestic, are fully considered from the beginning. h in the colony immediately following the revocation of the England is shown. The imports, trade, and shipping, the ex-ufactures, craftsmen, etc., are treated. Mr. Bruce then considers ary system and towns, covering the ground in each instance quite r. He then devotes 14 pages to his "conclusion," and ends his ork with an excellent comprehensive index.

iewing these volumes I have frequently felt like giving extracts here and there, but extracts really cannot convey a fair idea le. To obtain such an idea of a book which goes into so many is peculiarly necessary to obtain the book itself, and read it

The value of the work in its particular field, especially for the m 1625 to 1700, can scarcely be overestimated. At the same ist say that to my mind it is incomplete as it is. The economic Virginia in the seventeenth century is interesting and valuable; aracter is introductory, and in order to give it completeness, : should continue it down at least to the end of the colonial t to the beginning of "our late unpleasantness." It must be t he will.

f the first importance in reviewing a work to give due considera-e various evidence—its impartiality and accuracy, or the con- which the work has been based; but in this instance such a vidence of such various kinds has been made use of, that it can me in a general way. No evidence of a contentious character ied on safely; controversy is not history. Contemporary publi- : apt to have been published for some other motive than stating ished facts fully and fairly on all points. It is not in the nature write contemporary history; and in the case of an action sur- y difficulties of almost all sorts, hampered by critics and dissen- n and enemies without, it is an impossibility. "Time, the nurse

and breeder of all good," has to smooth out partisan influences of all sorts. Such contemporary histories have always been obliged to yield to the authentic records, to the truth brought to light by time. Smith's history of Virginia, on which so much of Mr. Bruce's work has been based, is not an exception to the rule. It pretends to show that the factions and misfortunes in Virginia (1607-1609) were not owing to the form of government designed by James I., as had been claimed by the managers, but to their own bad management. It contends that James I. ought not to have granted the Virginia Company of London its charters in the first instance. It criticises that company, and justifies the annulling of the charters in 1624. It opposes, ignores, or traduces every idea which made the planting of Virginia the genesis of the United States; catering to James I., and to those who wished his royal government to be resumed in the colony, and the popular government of the Virginia Company abolished. This was in line with the opinion of many at the time, and must then have given Smith's position great strength. Save for the fact that Charles I., who came to the throne so soon after, was a friend to Sir Edwin Sandys, it is doubtful if any of the free institutions originated under the company would have been permitted to survive, as it is known that James I. was bitterly opposed to Sir Edwin Sandys and his idea of civil and religious liberty in the New World. Of course there are truths in Smith's book, but its motive is personal and controversial rather than historical, and no one can write the true history of the movement without impeaching Smith repeatedly. (Mr. Bruce has done this several times.) No event in modern history has been more ungenerously considered than the beginning of this nation; no men more unjustly treated in our histories than those who really accomplished that task; and no book is more to blame for this than Smith's history of Virginia. The fact that so many of the official records of Virginia were for so long unavailable caused a greater reliance on partial evidence than it deserved. The situation has tended to make early Virginian history an especially difficult and disagreeable field. The student has been hindered, rather than encouraged, in searching after the truth which is essential to history. Mr. Bruce has done little towards ameliorating these particular conditions for the earliest period. He is sometimes disposed to contend for old opinions at all hazards; but all things considered, he has covered the ground as fairly as he could well do with the evidences before him. And when he confines himself strictly to his subject—the economic history of Virginia—his work is without an equal.

ALEXANDER BROWN.

The Pilgrim Fathers of New England and their Puritan Successors. By JOHN BROWN, D.D. (New York, Chicago, and Toronto: Fleming H. Revell Company. 1895. Pp. v, 368.)

THE author of this volume is favorably known in historical literature by his elaborate memoir of Bunyan, published in 1885; and although the

minute local knowledge which contributed so much to that work is wanting in the present case, there are other good grounds of commendation.

Of the twelve chapters in the book, three trace the origin and the English life of the Pilgrims, and are illustrated with attractive views from original drawings; three treat more briefly of the Dutch life of the same company; three sketch more briefly still the first seven years in Plymouth; and the concluding section summarizes the later immigrations to New England and its entire colonial history.

The author has a clear, readable style, and is in full sympathy with his subject; he has taken pains to gather incidental illustrations from the state papers and other manuscript sources in England; there was room for a volume covering this ground, especially one designed (as this is primarily) for English rather than American readers; and the result deserves to win popular approval. The specialist, however, should be warned not to expect to gain anything of importance that is new to him from Dr. Brown's narrative. The English and in a less degree the Dutch life of the Pilgrims, especially as reflected in Bradford's History, is skilfully portrayed, with such freshness as to make a new impression on the reader, though the details are familiar; the cisatlantic part of the story is naturally less fresh and less successful. The author makes perhaps too much of the supposed evidence for Congregationalism in England before Robert Browne, but otherwise his historical narrative is faithful to the facts as known. Taking Bradford's History as his text for the Leyden residence of the Pilgrims, he has no temptation to magnify the Dutch influence on their life and polity; for Bradford, an observer not wanting in keenness, is plainly unconscious—writing years afterwards—of such influence beyond the narrowest limits.

The account of Scrooby and Austerfield and of the beginnings of the Pilgrim Church, and the analysis of Robinson's writings, interest Dr. Brown most and show him at his best; but there is not a dull chapter in the book. It is curious that, although the story of Robinson's Farewell Address to the Mayflower Company is fully given from Winslow's notes, no comment is made on the most notable sentence of that report (that "the Lord had more truth and light yet to break forth out of His holy word"), the obvious meaning of which has been so stoutly denied; but this is an instance of the general truth that the book avoids points of controversy, and is constructed throughout on the most conservative lines.

The Pioneers of New France in New England, with Contemporary Letters and Documents. By JAMES PHINNEY BAXTER. (Albany: Joel Munsell's Sons. 1894. Pp. 450.)

UNDER this somewhat misleading title, Mr. Baxter deals with the relations of Massachusetts and the Indians in and about Norridgewock, in what is now the state of Maine. The central figure in his monograph is Sebastien Rale, or Ralé, as he prints the name in opposition to all the best authorities.

Francis, Palfrey, and Winsor call the Jesuit Rasle; Shea, in the text of Charlevoix, has Rasle, and in his foot-notes, Rale, which is the form adopted by Parkman, whose opinion on any question relating to the French in North America must be regarded as little, if in any degree, less than conclusive. Referring to this matter, Parkman says that the name was so written by the missionary himself, "in an autograph letter of 18 Nov., 1712," and adds, "It is also spelled Rasle, Rasles, Ralle, and very incorrectly Rallé, or Rallee." In view of this general concurrence of the writers in English of our own time, and of the adoption of the form Rale by the highest French authority, the *Nouvelle Biographie Générale*, Mr. Baxter's reasons for adopting an unfamiliar form do not appear satisfactory.

It was not to be expected that he would be able to discover any important facts which had escaped the eager eyes of his diligent predecessors, or to set in a new light the transactions of the gloomy and bloody period of which he writes; but he has carefully studied the original sources of information, and has brought together a large mass of documentary material hitherto not easily accessible. It is in the latter service that the chief value of his labors is found. Some of these documents are inserted in the text, as the letters from Rale to his nephew and his brother; and others are given in the appendix, which extends to nearly one hundred and thirty pages. Of the documents there given the most important is a collection preserved in the Public Record Office in London, under the general designation of "Thirty-one Papers produced by Mr. Dummer, in Proof of the Right of the Crown of Great Britain to the Lands between New England and Nova Scotia, and of Several Depredations Committed by the French and Indians between 1720 and June, 1725." Among the documents from this source are a report of the conference with the Kennebec Indians in November, 1720; the correspondence between Vaudreuil and Dummer in 1723 and 1724; the journal of the Commissioners to Canada in 1725, and other papers connected with their mission, including a narrative of Samuel Jordan, the Indian interpreter. There are also in the appendix other illustrative documents from various sources, of which the most important are Hamilton's account of his captivity among the Indians and in Canada, and the Latin text of Joseph Baxter's two letters to Rale. It is to be regretted that there is not, for the convenience of students, an analytical table of contents to the monograph, and that there is not a complete list of the documents in the appendix. There is, however, a very full index, but it is poorly arranged, and is sometimes inaccurate and misleading. The proof sheets have not been carefully corrected; and both in the body of the work and in the index there are a considerable number of typographical errors, while there are repeated instances of the careless use or omission of the marks of quotation. It is not easy to determine whether the author or the printer is responsible for these errors and defects, but probably both are at fault.

In describing the events and transactions with which he has to deal, Mr. Baxter looks at them all from the extreme point of view of the English

settlers and the Massachusetts authorities, to whom he thinks justice has not been done by some recent writers. As respects the conflicting claims of the French and the English in regard to the imperfectly defined boundary of Acadia, it cannot, we think, be successfully denied that the English were right, and that after the Treaty of Utrecht the French were trespassers. But the case in regard to the Indian villages is quite different. Here civilization and semi-civilization were brought face to face ; an agricultural and trading people and tribes of improvident hunters and fishers confronted each other. Their ideas of property in land were impossible to be reconciled. To the English settler separate and exclusive ownership, except as regards the common lands for pasturage, was a necessity. The value of his property was destroyed if savage hunters and their dogs could pursue the game across fields and meadows. As the tide of civilization advanced from the coast and the river-banks, the hunters were naturally forced backward to the denser woods and less frequented streams where game and the fur-bearing animals sought shelter. This was something which the Indian had not foreseen. He had no idea of individual ownership of hunting grounds ; and it may well be doubted whether any Indian ever had an exclusive right to the land which he was supposed to convey by a strange hieroglyphic on a parchment deed which he could not read or understand. Here was an inexhaustible source of conflict and war.

Added to this was the antagonism of Romanism and Protestantism. The French missionaries had been signally successful in impressing the savage imagination, and they cherished their converts as spiritual children whom they had redeemed from destruction. On the other hand to the average English settler a Jesuit missionary was little better than an emissary from the Evil One. Rale and his associates were Frenchmen eager to hold territory which they regarded as rightfully belonging to France, and Jesuits determined that their converts should not be drawn away from the true faith. In both French and English, national animosities and religious bigotry found a congenial resting-place. An irrepressible conflict was the inevitable result, one in which both parties were almost certain to go to extremes which the calmer judgment of a later generation must condemn. It is not enough for an historian, in dealing with the conflicts of a stormy past, to put himself in the place of one of the contending parties or nations. He should remember that there are always two sides, at least, to every question, and that there are as many points of view. He should not fail to make large allowance for the spirit of the age about which he is writing ; but he should not fail to recognize every departure of the actors from their own avowed principles, and to remember also that there are underlying principles which are the common standard for every civilized age. To these considerations Mr. Baxter has not, we think, given sufficient weight. His narrative is full and exact. He has added nothing and has suppressed nothing ; but he has felt too strongly to do entire justice to the losing side. We rejoice with him that the French were driven out of Maine, and that the Indian frontier was steadily pushed back ; but we

would at the same time frankly recognize the patriotic and religious scruples of the French and the lingering regret with which the Indians retreated from their old hunting grounds.

CHARLES C. SMITH.

Le Comte de Frontenac. Étude sur le Canada Français à la Fin du XVII^e Siècle. Par HENRI LORIN, ancien élève de l'École Normale Supérieure, Docteur ès Lettres. (Paris: Armand Colin et Cie. 1895. Pp. xiv, 502.)

HITHERTO the history of French Canada has attracted very little attention in France. Only two of Parkman's works have been translated into French, and these two — *The Pioneers of France in the New World* and *The Jesuits in North America* — are precisely those of which the interest is least confined to America. M. Lorin's work is welcome as an adequate history of a Canadian epoch by a Frenchman.

Frontenac ruled in Canada at a critical time. The country had the twofold character of a trading-post and of a mission until 1663, when it was made a royal province with a system of government upon the model of one of the French *pays d'élection*. A multiplicity of problems faced Frontenac when he went out in 1672. He was to adjust the relations between the civil and the ecclesiastical power, to make alliances with the Indians, to check the English, and to extend French rule into the far interior. Frontenac showed great tact in dealing with the Indians. His dignified reserve led them to think a few words with him a great honor. He was at his best when, as representing Louis XIV., he talked like a father to them and to the *habitans*, and both of these classes honored him to the last. He was at his worst when his arrogant and quarrelsome spirit led him to take extreme measures to assert his dignity.

M. Lorin thinks that Frontenac was in the right in his conflict with ecclesiastical authority. The dispute vitally concerned French policy in America. The Jesuits opposed the traffic in brandy, for it was destroying the Indians, who had learned to nerve themselves with it for their murderous combats, and would sell their wives and children to get it. Behind this attempt to save the Indians was the further plan to isolate them from contact with Europeans. The Jesuit, anxious to retain sole control over the Indians, discouraged efforts to teach them French. Frontenac on the other hand wished to form settlements in which the two races should mingle freely. Colbert had a vast scheme of French empire in America. The French were the first race to penetrate to the interior, and trading-posts were to follow in the wake of discovery. The secular view of the brandy question was that the Indians were bound to get it and to give what furs they had for it. So extended was its use that it was actually at one time the medium of exchange, and the defenders of the trade had a theological retort for the missionaries. It was better that the Indians should get brandy alone from the French than both brandy and heresy from the English (p. 431) !

Few will doubt that in wishing to save the Indians the missionaries were sincere. M. Lorin says that their very unworldliness made them bad colonists. Living for another world, they asserted a spiritual rigor too severe for human nature in this. From France were coming her most ardent and devoted spirits. Saint-Vallier, the second bishop of Quebec, refused the episcopal chair of Gregory of Tours to go to Canada; but in Canada he showed how true is the saying that the wise must rectify the mistakes of the good. One of the seminary priests, with the bishop in mind, wrote: "It would be much better to give bishoprics to those whose piety is less apparent and good sense greater, for these indiscreet devotees turn everything upside down" (p. 439). Frontenac's keen political sense brought him into ceaseless conflict with the plans of the missionaries even when no other grounds for quarrel existed. At every important station was a Jesuit opposed in principle to Frontenac's schemes for trade and colonization. The governor decreed that even priests must secure passports from him. He checked the *coureurs de bois*, and tried to hold all the strings of policy in his own hands. In vain the court ruled that the missionaries might go whither they would.

The first period of conflict ended with Frontenac's recall in 1682. Seven years under his successors, La Barre and Denonville, brought Indian war and decline in the colony. Frontenac's best justification is his return to Canada in 1689, when seventy years old, as the only man who could save the situation. Colbert was dead, but Frontenac resumed the old three-fold plan of conciliating the Indians, extending the posts, and attacking the English. Louis XIV. now, however, cared little for Canada in face of the danger from William III. of England. The colony was neglected. There was no land-route connecting the French in Acadia with Quebec, and the English were strong on the sea. They failed, however, before Quebec; and the French triumphed on Hudson Bay, but gained nothing, for the Peace of Ryswick (1697) restored the *status quo ante bellum*. Frontenac's last days were darkened by this peace and by the order to abandon the trading-posts in the interior. He died still refusing to obey the order (1698).

The archives at Paris were known to Parkman only by extracts and reports. M. Lorin has searched them diligently, and corrects Parkman occasionally. The Foreign Office and the Ministry of Marine, as well as the Colonial Archives, are put under contribution. M. Lorin states that the *Canadian Archives* furnish the only satisfactory calendar of the French colonial archives. His attention has been directed too exclusively to French writers, for apparently he does not know even Kingsford's *History of Canada*. His knowledge of English is limited or he would not quote from "*un recueil historique entièrement rédigé par des dames américaines*" (Chicago, 1893) the following tribute to Tonty as notable:

"With tears of blood and anguish
He baptized our valley home,
And lives in song and story
With La Salle,—our nation's own."

One naturally compares M. Lorin with Parkman. The French writer says that Parkman could not forget that he was a Bostonian (p. viii), and that he passes too lightly over the faults of his countrymen (cf. pp. 358 and 385). Parkman's criticism of French rule undoubtedly proceeds with too serene a confidence that the English had found the better way. His knowledge of the political situation in Europe was very superficial, and his anxiety to be picturesque caused him to neglect the duller but equally important aspects of Canadian life. Upon these points M. Lorin is easily superior, but his book, though clear and well arranged, lacks Parkman's charm. Parkman excelled in local knowledge; M. Lorin, apparently, has not visited Canada. He makes few mistakes, however. An amiable racial prejudice leads him to say that the French is "la race d'avenir de l'Amérique du Nord" (p. vii), and he is mistaken in thinking that Frontenac's name is not on the map of Canada, for it is that of an important county. The Jesuits Jogues, Lalemant, Brébeuf, etc., were not "les premiers apôtres des sauvages," for the Recollet Le Jeune was in the Huron country in 1615.

GEO. M. WRONG.

Sketches of Printers and Printing in Colonial New York. By CHARLES R. HILDEBURN. (New York: Dodd, Mead and Co. 1895. Pp. 189, and 28 fac-simile title-pages.)

FROM the wealth of material which Mr. Hildeburn has gathered for his proposed list of the issues of the New York press, 1693-1784, he has sifted a history of each printer of New York. It is almost needless to say that the work is thorough and accurate, for Mr. Hildeburn's previous books have proved his ability to be both, and though many of his statements contradict those hitherto accepted as fact, a testing of each moot point has only served to prove the author's carefulness. Of necessity such a work throws a good deal of new light on the bibliography and literature of the colonial period; and that of New York was peculiarly rich in political literature, thus being markedly in contrast to Boston and Philadelphia, in which theological tracts so largely predominated. Indeed the series of pamphlets issued by Zenger between 1734 and 1738, and by Rivington in 1774-1775, are probably the two ablest series of political arguments issued in this country before the Revolution, embracing as they did writings of Chief Justice Morris, James Alexander, and William Smith, in the first controversy; and works by A. Hamilton, T. B. Chandler, Myles Cooper, Isaac Wilkins, C. Lee, S. Seabury, and others (besides the reprinting of many English and colonial tracts bearing on the rising revolution), in the second series. And in this connection it is proper to note that practically the whole of the Tory literature issued after the war was truly begun, was printed in New York.

A few of the most curious facts gleaned by the author are worth special mention. After a careful study of the series of New York laws printed by Bradford between 1693 and 1726, he states, "it can be said that no two

copies of the same date are ever exactly alike after page 72." Scarcely less curious is an excerpt from a charge, in which, speaking of witchcraft, Judge Morris asserted that "we are so far West as to know it only in name." Perhaps the day will come when some psychologist will work out a theory as to why New England and the Southern colonies suffered from this delusion and New York escaped. One little fact revealed here that tells against the Thomas story as to the printing of the Bible by Kneeland and Green, is that Bradford issued the Book of Common Prayer in 1710, with his imprint on the title, and as this was a "monopoly" book as well as the Bible, it is obvious that a fictitious imprint for the latter was hardly necessary. Two song-books, neither of which Mr. Hildeburn has been able to find,—*The New American Mock Bird* (1761), and *Songs, Naval and Military* (1779), the latter compiled by Rivington—are most tantalizing gaps to any one interested in early American anthology. The Parker and Weyman edition of the *Memorial containing a Summary View of Facts* (Washington's Journal, etc.) is noted, but the author does not state whether the New York or the Philadelphia issue is the *editio princeps*, and a recent discovery makes the question one of interest. In the preface, the French original is said to have been captured in a prize and carried into New York, which implies that it was first printed there. But to the contrary, the reviewer has found two notes in Washington's ledger, in which he enters under 1757: "Feb. 24. By money subscrib'd for Publishing in English the French acc't. of the Disturbances upon the Ohio 5/9," and, "Mar. 17, By cash to a French Translator £1.1.6." These entries certainly suggest a close connection between the issue of the book and Washington, and imply that it was not first issued in New York. It is a curious fact to find Washington subscribing to a book whose chief purpose was to prove him an "assassin." An even more interesting fact, printed here for the first time, solves what has been a great source of curiosity. The few who have been fortunate possessors of copies of *Military Collections and Remarks*, as printed by Gaine in 1777, and published by "Major Donkin," have puzzled not a little over page 190 (chapter on Arrows), from which, in every copy, a note has been scissored out. At last Mr. Hildeburn has found a single copy not thus mutilated, and reprints the suppressed passage, as follows: "Dip arrows in matter of small pox, and twang them at the American rebels, in order to inoculate them. This would sooner disband these stubborn, ignorant, enthusiastic savages, than any other compulsive measures. Such is their dread and fear of that disorder!" The text certainly gains interest when we know that the man who penned it was later a general in the English army.

The title of one book here reproduced in fac-simile is "The Death of Abel . . . Printed by S. Campbell . . . 1764." In connection with this, Mr. Hildeburn writes: "I have been unable to ascertain anything concerning him [Campbell] or that he printed anything else." The probabilities seem to us very much in favor of a typographical error in the imprint, the figure 6 being merely a 9 reversed. Samuel Campbell was printing in New

York in 1794, and the type-metal frontispiece has the quality that belongs to this later period. We wish Mr. Hildeburn had noted the curious history of the issuing of *Gospel Order Revived*, the printing of which in New York stirred up such a pother in Boston, but possibly the book belongs more truly to the latter place, even though from the New York press. Garrett Noel's book catalogues also seem to us worthy of some mention, as among the earliest of their class in this country. The task of selection is, however, one which can be judged only by the compiler, and the work as a whole is so satisfactory and so needed, that it should be met with no hypercritical cavilling. The book itself—of which only 375 copies have been printed—is a beautiful production of the De Vinne Press, and in every respect the publishers seem to have spared no pains to make it a handsome piece of typography.

PAUL LEICESTER FORD.

The Growth of the American Nation. By HARRY PRATT JUDSON, LL.D., Head Professor of Political Science in the University of Chicago. (Meadville, Penn., and New York: The Chautauqua-Century Press. 1895. Pp. xi, 359.)

THIS little volume is written for the Chautauqua course for 1895-96. The author has aimed to "show clearly the orderly development of national life"; and to find room for this, he has touched lightly on the colonial period, as merely preparatory, and treated the Civil War and its following years briefly, as too near the present for adequate handling. The book has numerous illustrations and maps. The latter are useful in fixing for the reader the main changes in our historical geography, internal and external, by decades. From its nature, the volume is addressed particularly to Chautauquan readers and University Extension students; and on the whole it is admirably qualified to meet their needs. Professor Judson has the ability to seize upon important topics and to group them in an attractive and suggestive way. The work, moreover, is written in a spirited style.

Instead of following the rigid chronological order, the author groups his material topically, as follows: Part I. Explorers and Colonists; Part II. The Colonies become a Nation; Part III. The Dominance of Foreign Relations; Part IV. The Epoch of Peace and Social Progress; Part V. Slavery and State Rights; Part VI. The Indestructible Union of Indestructible States. This grouping involves more or less overlapping and some omissions, but it gives a much clearer view of the field than does the usual method, and it constitutes Professor Judson's real contribution to the literature of one-volume text-books in American history. Some other authors of such books have given their work the topical cast, but it has not before resulted in a successful invasion of the sanctity of the arrangement by presidential administrations. One of the merits of this plan is the fact that it gives opportunity for chapters dealing with phases of American growth that do not fall into chronological order. Such, for example, is the chapter on local life, in which Professor Judson points out

how largely American development is by groups within the nation, and illustrates this by a brief account of the post-Revolutionary history of the political institutions of the state of New York and by a sketch of our local governments.

These innovations in arrangement, and the title of the book, "Growth of the American Nation," might lead the reader to expect more novelty of opinion than he will find. On the whole, the author follows the usual views. The cursory survey of the colonial period prevents him from giving a satisfactory explanation of the political institutions and social and economic forces of the sections along the Atlantic coast, and of the development of American society in the formative eighteenth century. He accepts the American view of the legality of the contentions of the Revolutionists, and believes that since 1789 there has been an American nation. The subject of the growth of the nation would have warranted a fuller account of the intrigues for the Mississippi in the confederation period; the formation of settlement in the Gulf states, and the interior in general; and the succession of Indian wars by which the nation won the West. Professor Judson devotes hardly more than a paragraph to the Indians. The movements of national growth involved in the administration of the public domain, the extension of railroads, the direction and characteristics of immigration, might have been more fully treated. One wonders how New England was "democratic," on page 36, and "aristocratic," on page 64. It is certainly of doubtful correctness to speak of Washington as a "thorough aristocrat," and of Monroe as an "eminently respectable mediocrity." Since aristocracy played so large a part in Hamilton's principles, it is misleading, for that reason if for no other, to say that the principles of the national democracy of 1815 were "Hamilton's principles." New York's land claim was not limited to territory north of the Ohio. The trouble with the Creeks and Cherokees, and the Panama Congress, in J. Q. Adams's presidency, deserve mention. Such slips, as well as the bad method of marginal citation of authorities, indicate haste in the preparation of the book. Nevertheless, Professor Judson has made a valuable and suggestive manual, which is a welcome find in the flood of elementary text-books in American history.

FREDERICK J. TURNER.

The History of Canada. By WILLIAM KINGSFORD, LL.D., F.R.S. (Canada). Vol. VIII., 1808-1815. (Toronto: Row-sell and Hutchinson. London: Kegan Paul, Trench, Trübner and Co. 1895. Pp. xviii, 601.)

HISTORICAL research has not greatly flourished in English-speaking Canada. The literary spirit is less strong there than in French Canada, and for a sufficient reason. French Canadians have the interests and ambitions of a distinct nationality. They are not French politically nor English intellectually. Their unique position and dramatic history have caused them to take a patriotic interest in themselves as a people which has

resulted in a very creditable literature. English-speaking Canada contains the only people on the American continent who have never known political revolution. They have always been British, and Britain's history is their history still. Their patriotic feeling is only half Canadian, and their national interest is distributed over the wide range of both English and Canadian history. Their own land thus receives from them a less exclusive attention than other American peoples give to theirs.

Parkman told the story of French Canada with a complacent belief in English superiority. A work in English that should cover the whole ground of Canadian history has been long needed, and Mr. Kingsford now supplies it. Nine volumes will complete his work. The first appeared in 1887. The present volume — the eighth — covers the period 1808–1815, and is devoted to the War of 1812 and its causes.

Mr. Kingsford's narrative is crowded with facts and figures and he makes no claim to be picturesque. Though he is a patriotic Canadian, he brings to his task a sceptical and discriminating spirit. The first of the four books of the present volume deals with the causes which led to the war, and, in a distinctly original and able manner, with the Napoleonic policy towards England in America. The Orders in Council and the Berlin Decree are treated of in relation to the discussions in the United States. Mr. Kingsford is severe upon Jefferson and Madison, but not more so than some of their countrymen have been, and shows that the war party proceeded upon the twofold assumption that England was about to be humbled by Napoleon, and that Canada was chafing under English rule and anxious to be delivered. The next book records the awakening on both points. The allies began their series of victories over Napoleon, and the Canadians showed an unexpected spirit of resistance. Relying upon Canadian disaffection, the United States directed the main attack upon the Niagara frontier. It was a mistake in every way. Not only had the region attacked been settled largely by expelled loyalists who cherished a deep hostility to the United States and would fight to the last for their homes, but even complete victory in Upper Canada would not have been decisive, for it would not have weakened Montreal and Quebec. These two points were the key to Canada. The French people, already under an alien race, would have resented the American attack less; and at these points the supplies for Upper Canada, which still imported even its cereals, could have been cut off. Mr. Kingsford speaks with some feeling of England's neglect of Canada at this time. Within a few weeks of the declaration of war, the English government was blind enough to order the 41st and 49th regiments to return home. Canada needed money to support a war brought upon her entirely by the action of England; yet, though England had plenty for her continental allies, she had none for Canada. Placemen from England got the best posts in the colony. The truth is that England was, in 1812, wholly absorbed in the contest nearer home. Free from that, in 1814, she sent 16,000 troops to Canada, and, had the war continued, the Duke of Wellington would have become their leader. There was gross

ignorance of Canada in England. The Horse Guards in 1814 officially described Montreal as in Upper Canada.

The year 1812 saw the Americans checked on land, and England, to her amazement, had been beaten upon the sea by her own children. Book XXIX. relates the incidents of the war in 1813. Mr. Kingsford devotes especial attention to statistics, and has been at great pains to determine the numbers engaged in the land and sea contests. The feeling of exasperation on both sides was intensifying. The British general Proctor left some prisoners insufficiently guarded, and forty of them were brutally massacred by his Indian allies. American officers were accused by the British of violating their parole, and some of them, including Winfield Scott, were plainly threatened with execution if they fell into British hands. The Americans burned the public buildings of York (Toronto), the capital of Upper Canada, and destroyed the pretty village of Newark (Niagara), leaving four hundred people homeless. The British retaliated. The American side of the Niagara frontier was devastated, and it was in continuation of this policy of reprisal for injuries in Canada that the public buildings at Washington were burned later.

Book XXX. brings the story of the war to a close, and is on the whole a record of disaster to the British army, owing largely to the incompetence of Prevost, the Governor-General of Canada. The destruction of property at Washington and the huge British losses at New Orleans make melancholy reading. "The events of the war have not been forgotten in England," says Mr. Kingsford, "for they have never been known there." They are certainly neither unknown nor forgotten on this side of the Atlantic. Mr. Kingsford complains of the partisan accounts of the war which American writers have given. He should discriminate. Second-rate writers in all countries are too blindly patriotic. Surely Mr. Adams and Mr. McMaster aim to be fair enough.

The work has four skeleton maps which are useful as a guide to the military operations. Mr. Kingsford has used the printed histories and in addition the manuscript collections in the Canadian Archives at Ottawa, to which he repeatedly acknowledges his indebtedness. Founded in 1872 under the present Archivist, Mr. Brymner, this collection has already become a model of arrangements and nearly complete in its transcripts of European manuscripts relating to the history of Upper and Lower Canada.

Mr. Kingsford is not a stylist, and his work though of great merit will not be popular. Some of his phrases are curiously redundant: "The national safety of the United States as a nation" (p. 40); "the unavoidable consequence would result in re-annexation to France" (p. 190); "the sacred soil of British ground" (p. 445). Sometimes he says the opposite of what he means to say: "Who will hesitate to say that the sentiment did *not* influence the diplomacy of Madison" (p. 135); "in no *brief* time it numbered five hundred men" (p. 221). His punctuation is singular, far too many commas being used. He has a theory as to the need of economy in using capitals, and we have "lord Liverpool," "sir George Prevost," "fort Erie,"

"île-aux-Noix," "Niagara falls." He will not yield to the people of the United States the title "American," and hence we have "United States" used incessantly throughout his book as an adjective. Mr. Kingsford may as well give up a hopeless contest. Words, once current, have a silent obstinacy that cannot be overcome.

There are numerous misprints, especially in connection with foreign words, and some small mistakes when European affairs are referred to. It was the Convention not the National Assembly which sat in France in 1794 (p. 5); Austerlitz was won not on November but on December 2; the Treaty of Pressburg was made not on January but on December 26; the Berlin Decree was issued not on November 25 but on November 21; Auerstadt should be Auerstädt (p. 23). The crew of the "Macedonian" is said on the same page to have been both 303 and 292 (p. 401). A period of thirty-nine years is called "upwards of a quarter of a century" (p. 429). One is puzzled to know how quotation by Sir G. C. Lewis can add importance to a passage from Scott (p. 25), and why notes referring to the Canadian Archives are sometimes within brackets and sometimes not.

GEORGE W. WRONG.

John Sherman's Recollections of Forty Years in the House, Senate, and Cabinet. An Autobiography. (Chicago, New York, London, Berlin: The Werner Company. 1895. Two vols., pp. xxxv, 1239.)

THESE volumes are no exception, in mechanical form, to those usually issued by "subscription" publishers. They are bulky and inconvenient for handling. The same printed matter, in clear but somewhat smaller type, might have been included in two volumes of moderate size which could be read without putting one's wrists to a strain. They are paged continuously, the second one beginning with page 603.

The title "Recollections" is somewhat misapplied. A large part of the space is given to extracts from speeches, which, though of permanent value, should have been assigned to separate volumes. Their inclusion here breaks the narrative and involves a repetition of the same facts and arguments, which sometimes wearies the reader and is calculated to obstruct the general use of the book.

The author and subject of the two volumes came of the best New England stock, — the Shermans of Connecticut, from a branch transplanted to Ohio at the beginning of this century when the American empire was crossing the Alleghanies. In public service, military and civil, the brothers, William Tecumseh and John, surpass any who have borne that honored name. There is nothing obscure or humble in their origin; their father was a lawyer and judge in Ohio as his father had been in Connecticut. Their mother was the daughter of a prosperous merchant of Norwalk, Conn., and was well taught in the seminary at Poughkeepsie, N.Y. They were two of eleven children, William being the sixth and John the eighth.

Their father died when they were of very tender years ; but brothers and sisters were helpful to each other, and were, besides, assisted by other kindred in good circumstances. Lancaster and Mansfield are the two well-known towns of Ohio with which they became most identified.

The boy John, left much to himself, missed the complete training which was at his command. He went so far as to become fairly proficient in algebra and geometry, and obtained a certain facility in reading Latin, without pushing on to liberal studies and the modern languages. His twofold desire to help his mother and to gain a fortune for himself turned him away from college doors. He would not have begun life like most Western boys of that day if he had not gone down the river in a flat-boat laden with merchandise. His trip on the Ohio to Cincinnati proved to be a losing venture ; but his thrift saved him afterwards from similar disasters. He was, while still a boy, a surveyor and engineer, an excellent practical training which recalls a like experience in the early life of Washington and Lincoln. He became, at the age of sixteen, antipathetic to the Democratic party, whose success at a state election deprived him of his place. Later he turned to legal studies, being admitted to the bar as soon as he was twenty-one, after having already been engaged in practice for a year or two. In three years after his admission he had accumulated \$10,000 in his profession and had made profits also in the manufacture of doors, blinds, and other building materials. At the bar, as afterwards in the political forum, he showed his intellectual traits, — a clear and vigorous intellect, logical power of the first order, and a determination to go to the bottom of every subject he dealt with. From the first he cared little for and almost despised the adornments of rhetoric. No less a contemporary than Chase once advised him to add a peroration to a speech, but after giving some thought to the suggestion he put it aside. He has, however, the gift of genuine eloquence, as is shown by his address, July 7, 1893, on the arrival of the Spanish caravels at Chicago.

The author has revealed himself, his hopes, ambitions, and youthful missteps with almost Franklin's candor ; and it was quite unnecessary for him to disclaim egotism and pride of family in narrating what the public most wish to know. The chief interest of the volumes centres, of course, in the political transactions in which Mr. Sherman has borne a part. His public life began with his election to Congress in 1854, and has continued without interruption to this day. It is contemporaneous with the entire existence of the Republican party, in which he took at the beginning a leading position, and of which he is now altogether the foremost figure. Though a Republican, never questioning or hesitating in his allegiance, he had no earlier connection with the antislavery movement, and had no sympathy with its aims and spirit. On that roll of Ohioans where are found the names of Thomas Morris, Salmon P. Chase, Joshua R. Giddings, and Samuel Lewis, that of Sherman has no place. It sounds strangely that the most distinguished Republican of to-day was an earnest supporter of the Compromise of 1850 and of the Fugitive Slave Act, was a steadfast oppo-

ment of Free-soilers, and defended the maintenance of slavery in the District of Columbia. Even when the Fugitive Slave Act was finally repealed in 1864, he withheld his vote because the repeal did not save the act of 1793. No mention is made of his association with Giddings, whom Lowell thought worthy of an ode, although they were colleagues for four years. Nevertheless he has always been so faithful a party man that he acquiesced readily in the support of Republican measures against slavery, although he might not have promoted them in advance. He came at once to the front as a member of the Congress meeting in December, 1855, in which after a long contest Banks was elected Speaker, and thus he took a part in the first Republican triumph. He served as a member, and the most effective member, of the committee appointed to visit Kansas and report concerning the contests between the pro-slavery and Free State forces in that territory. That duty well performed, he became the leader of his party in the House and its candidate for Speaker in the next Congress.

In deportment as senator or member of the House, Mr. Sherman leaves nothing to be desired. He has been uniformly amiable, has dealt fairly with opponents, and, though generally in the thick of the fight, has never, no matter what the provocation, uttered a word which his best friend could wish he had left unsaid. The writer, in pursuing a certain study, was obliged to go closely over the debates of Mr. Sherman's first fourteen years in the Senate and was struck with his exceptional adherence to the highest standard of parliamentary decorum. It is doubtful if any other public man in our history, to whom has been assigned the post of aggressive leadership in hot political controversy, could stand the same scrutiny.

With all the poise and strength of his understanding and his general fidelity to right conduct, one misses in Mr. Sherman something which it is not easy to define, — perhaps a certain want of ideality or of political imagination, or of appreciation of moral forces, qualities more or less conspicuous in Jefferson, in the two Adamses, and in Lincoln. Judged by what he leaves unsaid, he would not, as President in 1862, and perhaps at any time, have issued the Proclamation of Emancipation (pp. 313, 330).

This defect or limitation, in connection with his intense partisanship, which he confesses to have been his fault (p. 227), takes from Mr. Sherman's career something of the picturesqueness which otherwise it would have. One searches it in vain for scenes like these: Adams maintaining the right of petition in face of a frowning oligarchy; Giddings censured for his defence of freedom and returning to his seat with the approbation of his people; John P. Hale bidding defiance to his party in resisting the annexation of Texas; Corwin denouncing the invasion of Mexico; Douglas taking his stand against the Lecompton Constitution, though it was backed by the support and patronage of a Democratic President; Sumner putting his foot on the San Domingo scheme and awaiting the penalty imposed by a subservient Senate; Chatham thanking God that the American Colonies had resisted British aggression; John Bright confronting popular frenzy in the Crimean War and forced from the public service by his Manchester constitu-

ency, or Abdiel-like resigning from Gladstone's cabinet when he could not in conscience sanction the bombardment of Alexandria. Such instances of courageous self-reliance make the romance of political biography. They give to statesmen an immortality, sometimes in a day, which would not come from a life-long conformity. If in a recent exigency an old senator, standing at the head of the Committee on Foreign Relations, where Sumner had once stood, had, with that example before him, put his foot on a resolution which meant war if it had any honest meaning whatever, demanding at least the customary pause for deliberation, the name of Sherman might have been added to the honored list of statesmen who have held at bay the madness of the hour, assured of vindication by the permanent judgment of mankind.

Mr. Sherman's connection with financial discussions began May 27, 1858, when he made a speech on the expenditures of the government, and has continued to this time. At an early period he was too much affected by local atmosphere,—the "Ohio idea" then running madly among his constituents,—or by what seemed to him political and financial necessities. In a speech February 27, 1868, he affirmed the right of the government to redeem the principal of the national debt in existing depreciated currency, a position taken, as he afterwards explained, to induce holders of bonds to exchange them for those bearing a lower rate of interest and payable in coin. This declaration alarmed bondholders here and abroad, induced an anxious inquiry from John Bright, and brought out a pamphlet from Edward Atkinson, entitled *Sherman's Fallacies*. It is creditable to Mr. Sherman that he now disapproves the position that he then took (pp. 439, 624).

The necessity of retiring the national notes wholly or in part, in order to resume and maintain specie payments, or to keep up the gold standard, has never been admitted by Mr. Sherman. He even advised, as a member of Hayes's Cabinet, against the latter's veto of the inflation bill, and he has held to the position that three hundred millions or more of these notes are essential to a sound currency. He discredits altogether "the endless chain" of coming and departing greenbacks, reducing at each visit the gold reserve of the treasury. Conservative financiers will agree rather with McCulloch, Hayes, and Cleveland, than with him; but this is not the place to enter upon that discussion.

Mr. Sherman disclaims the paternity of the "Sherman Silver Law," which carried up the silver issue to 4,500,000 ounces a month (pp. 1061, 1068-1070, 1144, 1162, 1163, 1175); but under the circumstances the title is not a misnomer. It is safe to say that it would not have passed without his effective aid; and he was chairman of the conference committee which framed and reported it. His explanation of his connection with the measure is hardly satisfactory. An act, which he says he was willing to repeal the day of its passage, was one which he should not have assisted in passing. It was his want of faith and courage which brought about the curious spectacle witnessed at the beginning of the next administration, when Republicans were beseeching a Democratic President

and Congress to undo the work they had themselves done. The only apology for supporting the bill which Mr. Sherman gives is that it was necessary to prevent free-coinage legislation. But such legislation was impossible against an executive veto; and while Mr. Sherman implies distrust of President Harrison, he gives no evidence of an announcement from him that he would sign a free-silver bill (pp. 1070, 1175, 1189). In the absence of such an announcement it was for Mr. Sherman to assume that he would do his duty in resisting the free-silver craze, as Grant, Hayes, and Cleveland did theirs, under like circumstances. Mr. Sherman says he "had no right to throw the responsibility upon him [the President]." But upon what principle is the highest magistrate in the land to be relieved of the responsibility which the Constitution distinctly places upon him? What is the veto power good for if it is to be put aside in that way? It should be added that Mr. McKinley, the manager of the measure in the House, took at the time a view of the situation entirely different from that which Mr. Sherman now gives. In his speech, June 7, 1890, he maintained that the bill was the most favorable to the silver party that was then attainable, and that its defeat would be the defeat of all silver legislation at that session.

But whatever criticisms certain points in Mr. Sherman's connection with our financial history may invite, it is due to him to put on record that in the Senate and the Cabinet and on the platform, he has done a service to his country in the restoration and maintenance of specie payments, and in resistance to schemes of silver inflation, far surpassing that of any contemporary statesman. It is no exaggeration which associates him with Hamilton and Chase. He reported in the session of 1874-1875, and carried through the Senate the resumption bill. It passed the House, though voted against on the ground that it was inadequate for its purpose by conservative men like Dawes, Hawley, E. R. Hoar, G. F. Hoar, H. L. Pierce, and others from the Eastern States. But in spite of these honest doubts and fears Mr. Sherman, as Secretary of the Treasury, put in execution the scheme which he had initiated and promoted in Congress. Nor did his achievement end here, though this alone was enough to secure his permanent fame. No public man in our history has done so much to expose in Congress, and before the people, the fallacies of the advocates of paper money inflation and of a silver standard. Others have made sporadic efforts, but his service has been constant. There is no county in his own state where he has not been heard, often more than once, on this subject; and he has taken the foremost part for twenty years in the Senate in every debate on the currency. It is due to him, far more than to any other voice and influence, that the wave of silver fanaticism has receded from his own and other states of the Mississippi Valley.

Mr. Sherman disavows ever having been "an extreme protectionist" (p. 1008). His judgment is in favor, "on the whole," of the McKinley tariff, though disapproving some of its details. He recognizes the perpetual disturbance to business consequent upon the political contests over the tariff, resulting in an act passed by a bare majority, shortly repealed by a close

vote to give place to another, the repeal of the repealing act at once agitated, and so on indefinitely,—all to the dismay of manufacturers and merchants, who can count on nothing as stable beyond the terms of the President and Congress holding office for the time being. Mr. Sherman objects to this endless alternation, and believes that the tariff should no longer be “the football of partisan legislation,” but that it should be “a purely business and not a political or sectional issue;” and that the framing of its schedules should be intrusted to “the selected representatives of the commercial, industrial, farming, and laboring classes.” He confesses the selfishness of the makers of tariffs, who sacrifice their professed principles when contending for the interests of their own states and “destricts” (pp. 189, 193, 843, 1084, 1085, 1128, 1135).

It is interesting to note what charitable judgments of antagonists are habitual with statesmen as they come near to the end of all controversy. Mr. Blaine said to the writer a few months before his death, in reference to his *Twenty Years of Congress*: “What I have said of Bayard and Schurz is true, but I wish it were not there.” With the exception of these two, Mr. Blaine praised friends, adversaries, and rivals alike. His personal descriptions are of such a metallic and stereotyped form that they fail to individualize the long procession of contemporaries whom he brings before his readers. Mr. Sherman’s tributes are heartier and less conventional. He has kindly words for his Democratic colleagues in the Senate, Pendleton, Thurman, and Payne, and for other Democratic opponents, as Governor Hoadley, Governor Campbell, S. S. Cox, and Henry Watterson. To President Cleveland he is uniformly fair, commending him as “a positive force in sustaining all measures in support of the public credit” (pp. 1195, 1208). He sees in Buchanan only “feebleness of will, not intentional wrong,” pays a tribute to his frankness and sincerity, and relates an interview with the ex-President at his home when he gave an emphatic approval to Mr. Lincoln’s measures for the suppression of the rebellion (pp. 202, 249, 250). His mantle of charity covers even President Pierce (p. 143), whose baleful letter to Jefferson Davis, January 6, 1860, he may have overlooked. While uniformly just to his political allies, Mr. Sherman does not carry his charity so far as to shield Roscoe Conkling, whose “insane hate” and “inborn desire to domineer” led him to the attempt to wreck the administrations of Hayes and Garfield (pp. 682, 684, 817). It would have been well if Sherman, Edmunds, and other senators had not at an earlier day, by letting him have his way, stimulated this Cæsar with the meat on which he fed, making him grow so great. To President Hayes Mr. Sherman pays a just tribute, placing him before Garfield, whose weakness of will was a fatal element of his character (pp. 807, 822). It is to Mr. Sherman’s credit that, while not a leader in the civil service reform, he took exception at the time to Garfield’s thrust at that reform, which was placed in his letter of acceptance in order to propitiate Conkling (p. 779). He now advises a mandatory provision forbidding members of Congress to recommend appointments (p. 855).

Mr. Sherman is not an admirer of General Grant's civil career. He regretted at the outset that the latter was made a candidate for the Presidency, then preferring Chase; and he mentions the General's disposition to treat heads of departments as military subordinates, and his indifference to financial questions (pp. 416, 447, 449, 474, 475, 552, 788).

The value of these volumes is chiefly in their relation to financial history. There is elsewhere a want of fulness and clearness of statement even as to events in which the author took part, a want of research where his knowledge is only at second hand, and a passing over of important transactions on which he might have thrown light. One looks in vain to find an explanation of the methods by which the necessary Democratic votes were obtained for the Thirteenth Amendment of the Constitution, or to find an account of the negotiations with Southern members of Congress which resulted in their acquiescence in the decision of the Electoral Commission,—matters on which Mr. Sherman, and two public men of his state, Mr. Ashley and Governor Foster, might give information.

Mr. Sherman puts on record his opinion that early in 1861 the public mind of the North was so decidedly in favor of concessions to the South that "the Republicans would have acquiesced in the Crittenden Compromise or in any measure approved by Lincoln and Seward." It is not doing justice to Mr. Lincoln, who maintained the right and duty of the Republicans to carry on the government on the principles which they had proclaimed, to couple his name with that of Seward, who seemed at the time equal to any surrender. It is going beyond the evidence to say that the Republicans would have acquiesced in the Crittenden Compromise. Senator Clark's resolution that the Constitution "needs to be obeyed rather than amended" expressed then the judgment of Republican senators; and Seward's private letters show that he was unable to influence his associates. He wrote, January 13, 1861: "Two-thirds of the Republican senators are as reckless in action as the South." It is safe to say that the adoption of the Crittenden Compromise in 1861, under the lead of Seward or any one else, would have divided hopelessly the Republican masses, left Mr. Lincoln without a party behind him, and brought again the Democrats into power.

Mr. Sherman says of the provision of the reconstruction act of 1867, which first established compulsory suffrage for the colored people: "On the 16th of February, after consultation with my political colleagues, I moved a substitute for the House bill" (p. 370); and this is all the account he gives of it before it reached the Senate. But the fact is, as appears by accounts written out by Sumner and Conness and by Mr. Sherman's remarks in the Senate February 10, 1870, there was a formal canvass of Republican senators February 16, 1867, which appointed a committee of seven, with Mr. Sherman as chairman. In this committee Sumner moved the provision for equal suffrage; but the motion received, besides his own, only one other vote, probably Howard's. He then gave notice that he should appeal to the caucus, in which, on Wilson's motion, it was adopted by one or two majority. Mr. Sherman, though not favoring it before, now reported and

sustained it as the decision of the party. Mr. Sherman's mere reference to "a consultation" is hardly an adequate explanation of an important historical circumstance, which led to the Fifteenth Amendment. Mr. Sherman questions the wisdom and expediency of this last constitutional provision (p. 450), coming after experience to the same conclusion as Mr. Blaine, who, in the interview already referred to, said with dramatic emphasis: "I believe it would have been better to have stopped with the Fourteenth Amendment. It is true, what Burke said, you cannot indict a whole people. You cannot make the Southern people do what they determine they will not do, though you should put a soldier on every square foot of ground."

Mr. Sherman reviews at some length the impeachment proceedings against Andrew Johnson, coming to the rather lame conclusion that he voted "guilty," but "was entirely satisfied with the result of the vote, brought about by the action of several Republican senators" (p. 432). He is of opinion that the President violated the "Tenure of Office Act"; but that was at least a doubtful question, — Chase, Fessenden, and Trumbull taking the view that he had not gone beyond the law. The mere violation of a statute, if there had been one, would not have been a justification for the proceeding; for such breaches were committed several times by Lincoln and once at least by Grant. Mr. Blaine, though voting to impeach, has recorded his mature judgment that Johnson was "impeached for one series of misdemeanors and tried for another series"; and that the proceeding was "not justifiable on the charges made"; and this is the view that now prevails. Republican orators and writers have never counted the measure among the party's achievements.

Mr. Sherman's account (pp. 470-473) of the differences between Senator Sumner and President Grant and Secretary Fish is singularly inaccurate and confused, because of imperfect recollection and inadequate research. Indeed, he declares that "by the happening of great events this incident has almost passed out of memory." Mr. Sumner and Mr. Fish had not "differed widely in respect to the annexation of San Domingo and certain diplomatic appointments and former treaties, among them the highly important English negotiation for the settlement of claims growing out of the war." They agreed as to the annexation of San Domingo, both being unfriendly to it, as General J. B. Cox's paper in the *Atlantic Monthly* for August, 1895, shows, though Mr. Fish finally yielded his better judgment to the President's pressure. They also had no differences as to diplomatic appointments. They had no substantial differences on the question of claims against England and the British proclamation of belligerency, — the senator approving Mr. Fish's instructions to Motley in May, 1869, and particularly those which followed in September. Mr. Sherman says, without taking dates into account, that this difference which he supposes to have existed led to Motley's removal. That removal did not take place till July 1, 1870, eight months at least after Mr. Motley's connection with the negotiations had ceased, by their transfer to Washington as the better

forum ; and it took place at a time when no negotiations were pending. When revived, they were revived at Washington in December, 1870, the American minister at London taking no part. Motley's removal came July 1, 1870, the day after the defeat of the San Domingo treaty, and was the President's answer to the Senate's action, for which he held Sumner responsible.

Mr. Sherman says that the President, when he called on Sumner, was "evidently misled" as to the latter's views concerning the San Domingo treaty. It is doing injustice to the President's intelligence to assume that when a senator told him he would give a candid consideration to a subject then first brought to his attention, he thereby pledged himself to a course of action on a treaty as to which he was as yet wholly uninformed. That has not been Mr. Sherman's way of dealing with suitors, nor is it the way of any public man who has a proper appreciation of his place and duties.

Mr. Sherman refers to Sumner's "extreme and active opposition to the treaty" and the severity with which he arraigned the parties concerned in it. It is true that he spoke plainly of the action of Babcock and the naval officers as they came to his knowledge, but his language concerning the President, while the treaty was under consideration, was in every respect considerate and kindly. Such was the testimony of the President's friend, Senator Howe. The President's retaliatory act in the removal of Motley brought about a change of relations.

Mr. Sherman states that he did not vote for the treaty, as did a large majority of the Republican senators, but he does not state whether he voted at all or not. The fact is that he did not vote ; and in view of his recorded opinions against insular and other acquisitions it would have been interesting to have had his explanation of the withholding of his vote. Was it the fear, which is likely to have governed Wilson's affirmative vote, that the crossing of the President's will at that early stage of his administration might place another name by the side of those of Tyler and Johnson ?

Mr. Sherman has profitably employed his vacations in instructive journeys, often visiting the Pacific coast and remote West, and refreshing himself now and then with crossing the Atlantic. Among his remembered experiences in Paris was a presentation to the Emperor and taking part in the Mayor's reception at the Palais Royal, where the American senator appeared in a costume which would have startled his Richland County neighbors, "a dress coat and trousers extending to the knees, and below black silk stockings and pumps." At Berlin he had an interview with Bismarck. In England he met Gladstone and Disraeli and also our country's steadfast friend, of whom he says : "Of all the men I met in London, Mr. Bright impressed me most favorably. Finely formed physically, he was also mentally strong. He was frank and free in his talk and had none of the hesitation or reserve common with Englishmen. He was familiar with our war and had no timidity in the expression of his sympathy for the Union cause. If we ever erect a monument to an Englishman, it

should be to John Bright" (p. 399). It sounds strangely after this tribute, to relate that on April 2, 1889, when a resolution commemorative of John Bright, who had just died, was offered in the Senate, it was Mr. Sherman who prevented its immediate passage by insisting on its reference to his committee, whence it never emerged. It is not known what prompted this opposition to a recognition of our country's benefactor, its greatest foreign benefactor after Lafayette. Was it undue deference to foreign agitators on our soil, seeking to embroil our people in their old-world controversies?

Mr. Sherman's farewell words,—that while doing hereafter his best "to add to the strength and prosperity of the United States," he will do "nothing to extend its limits or to add new dangers by acquisition of foreign territory,"—together with other passages concerning "outside possessions" (pp. 975, 1039, 1040), give assurance that while he remains in the Senate we are to be saved from the incorporation of Samoa, St. Thomas, San Domingo, Cuba, and the Sandwich Islands into our American system, and that this nation is to be confined to its legitimate sphere of development within its own present ample domains. Sober-minded patriots bid the veteran statesman God-speed in this service.

EDWARD L. PIERCE.

Commentaries on the Constitution of the United States, Historical and Juridical; with Observations upon the Ordinary Provisions of State Constitutions, and a Comparison with the Constitutions of Other Countries. By ROGER FOSTER. Vol. I. (Boston: The Boston Book Company. 1895. Pp. viii, 713.)

THE line between commentaries on a constitution on the one hand, and a constitutional history on the other, is not always very clearly drawn. Perhaps we may say that the primary purpose of the first is legal exposition of things as they are, while that of the second is to explain how things came to be what they are. The difference is in the point of view. Story's *Commentaries on the Constitution of the United States*, and Stubbs's *Constitutional History of England*, may be taken as types of the two methods—the one a text-book for lawyers, the other for scholars.

But while the difference may be roughly marked in this way, after all the two kinds of thing are necessarily more or less merged. The commentator cannot expound without tracing more or less of historic sequences. The historian fails if his researches do not lead to a lucid exposition of existing institutions. Indeed, the present tendency of historical and legal scholarship is toward a distinct blending of method. It is not too much to claim that the richest results in political science may in no other way so well be reached as by using the processes of historical research. In other words, political science is not merely law. It is not merely history. It is both. Law is its subject-matter. History is its method of treatment. Law is best illumined by the clear light of history.

No better illustration of the truth of this thesis can easily be found than

is afforded by *Foster's Commentaries on the Constitution of the United States, Historical and Juridical*. It is in fact a constitutional history of the United States, thrown into the topical form of a constitutional commentary. The *raison d'être* of each provision of the federal constitution is seen in the successive events which led to its adoption. The meaning is made clear by our political history during the century since its adoption. The lawyer's logical exposition is enriched by the scholarship of the historian.

The order followed is, in the main, that of the constitutional text, the first volume (volume second is not yet published) covering the preamble and the first three sections of Article I. But, of course, in treating the great subjects involved in the general theory of the government, and in the structure and essential powers of Congress, any other portions of the document which are pertinent are freely used. But they are discussed because of their importance to the subjects above named, which are the topics of this volume.

Besides the historical method pursued, a second important feature of Mr. Foster's work is his recognition of another truth,—the dual nature of our government. The essence of federal government is its duality,—the balance of central and local authority. In fact, the constitution of the United States consists not of one document, but of forty-six. In each state the fundamental law comprises the federal constitution and the local state constitution. They mutually supplement each other. State officers are sworn to support both. Federal officers may not violate either so long as their provisions are not in conflict. No one can adequately understand either without the other also. Hence a commentary on the constitution of the United States is incomplete unless it touches at least on the essentials of the state constitutions. At this point there is a defect in our histories and in our constitutional treatises. There is considerable recognition of our local life, especially of late years; but of the interaction of local and national forces, of the effect of local social and legal conditions on national development,—of these there has been too little account. A general history of the United States which discusses Kentucky as if it were no more definite and significant an organism than a French department, is far from giving an accurate picture of the conditions of American life.

Mr. Foster on his title-page promises to remedy this defect. The most notable evidence of carrying out his purpose in the present volume is the valuable appendix on impeachment trials in the states. Of course, in discussing state rights and suffrage he also deals largely with local organization. It is to be hoped that in the subsequent part of the work the comparison of federal with state political structure and methods will be still more pronounced.

A great advantage possessed by a constitutional writer at the present time is in the practical completion of constitutional interpretation. The Supreme Court, the Civil War, and the last amendments have settled about all the doubtful questions of moment. "The United States are a nation. The Union is not a league, and cannot be dissolved except by a revolution.

These are principles which have been established by the adjudications of the courts, the action of Congress and the executive, the acquiescence of the states, and the arbitrament of war" (p. 61). In saying these words, Mr. Foster sums up three-quarters of a century of our national politics. And by this declaration he aptly introduces one of his most important chapters,—that on the nature of the constitution, on nullification, secession and reconstruction. The great constitutional questions involved in these subjects have been finally answered. The process by which the answer has been reached covered a large part of our national history, and was so fundamental that it shook the republic. The sketch of this epoch is very clear and dispassionately accurate. The reconstruction period, with all its perplexities and all its mistakes, is treated very fairly. There have been few instances in history in which a government has been confronted with so serious difficulties as those with which the Union had to deal when the Civil War was ended. To cope with them without mistakes was impossible. That they were surmounted with so few errors, indeed that they were surmounted at all, will in time appear one of the greatest marvels of history. The Southern states to-day, only one generation after the war, are not an Ireland. They are as loyal a part of the Union as New England itself. They exercise full local self-government. They share as freely in the national government as do any other states. Men who were in arms against the Union sit in the national Congress, have sat at the President's council board and on the bench of the national courts. And they have been quite as patriotic and quite as valuable in these places as their colleagues who fought on the victorious side. The truth is that the constitutional theories for which the South fought have been destroyed. And the danger was in the theories, not in the men who believed in them.

Mr. Foster is especially clear and forcible in tracing the evolution of these theories. He shows that the term "sovereign states" was and is merely a misnomer—and a very mischievous one. But "state rights" are an essential part of our federal system, and will remain so. He is quite right in pointing out the grave error of the Southern States in not promptly accepting the Fourteenth Amendment (p. 234). Had they done that, the tremendous mistake of indiscriminate negro suffrage, with all its inevitable evil results, would have been avoided. He is doubtless also right in pointing out the plain inconsistency and the probable unconstitutionality of the reconstruction acts of Congress. Congress laid down certain conditions precedent to the readmission of the lately insurgent states. So far as those conditions related to the adoption of the amendments, they were self-executing. But the suffrage provisions of the Mississippi constitution of 1890 hardly conform to all the conditions of the act readmitting that state to the Union. Yet there can be little doubt that it is the Mississippi constitution which is valid and the act of Congress which was invalid. Mississippi is a state of the Union on a par with all the other states. It cannot rescind the ratification of an amendment to the federal constitution. No state can do that. It can change its own constitution.

with reference to suffrage within the limits of the Fourteenth and Fifteenth amendments. Any state can do that, and any act of Congress forbidding such action is null.

Mr. Foster insists (p. 22 *seqq.*) that the federal constitution is marked by strong originality. Again he is right. Its elements may be traced to many sources. But as a whole it is just what Gladstone called it, — “the most wonderful work ever struck off at a given time by the brain and purpose of man.”

And now that the evolution of the republic has made clear the meaning and purpose of all the parts of the great instrument of government, it is time that all should be summed up in a complete exposition. The one we are considering bids fair to take that place in the literature of constitutional history and law. It can only be hoped that the promise of this volume will be fulfilled in the remainder of the work.

HARRY PRATT JUDSON.

Essays in Taxation. By EDWIN R. A. SELIGMAN, Professor of Political Economy and Finance, Columbia College. (New York and London: Macmillan and Co. 1895. Pp. x, 434.)

AMERICAN representatives of that “historical school of economics” much discussed in this country some ten years ago have made, as a rule, but slight use of history in their published works. To this rule Mr. Seligman is an exception. His *Essays*, to be sure, do not constitute a history of taxation. On the contrary his chief interest, frankly confessed, is rather in theory, which he regards as affording both a means for the interpretation of actual tax conditions and a canon for the constructive criticism of existing taxes. The *Essays* are, therefore, but incidentally historical. Nevertheless the historical element in them is considerable, for present theory and present practice alike are everywhere explained by tracing their development. Simply as an example of method, the book has thus a two-fold value. To the theoretical economist, on the one hand, it reveals how much may be sacrificed of clearness and of cogency by neglecting history. To the writer of economic history, on the other hand, it indicates the helpfulness of such discreet selection among manifold industrial phenomena as has not resulted, in some instances, from a combination of antiquarian ardor with economic ignorance.

The introductory essay on “The Development of Taxation” attempts what may be described as a philosophy of tax history. The norm of taxation has gradually changed from “taxes proportioned to benefit received” into “taxes proportioned to ability to pay”; and the change is due to “the slow and laborious growth of standards of justice in taxation, and the attempts on the part of the community as a whole to realize this justice.” There can be no doubt that, correlatively with the increasing diversity in the forms of wealth and in the sources of income—that is to say, in the indices of taxable ability—justice in taxation, as we now conceive

justice, demands the progressive diversification of taxes. There can be as little doubt that such diversification in the forms of taxation has taken place. But there is much room for doubt whether actual diversiformity of taxation is so largely the result as Mr. Seligman apparently thinks it of obedience to the social demand for justice. He admits, indeed, that "according to the experience of history most reforms, in finance at least, are due to selfish reasons." Nevertheless the general tendency not only of his opening essay but of his whole book is to assign the first place as a reformatory agency rather to ideal justice than to fiscal necessity. In opposition to his view it is at least possible to argue that fiscal exigencies were most easily satisfied by seizing, through some new device of taxation, upon each new form of property or of income as it arose. Thus we may account in another manner, and in a manner perhaps not less probable, for the emergence of approximately that diversification in taxes which justice is thought to demand.

Of Mr. Seligman's more specific use of history perhaps no better example can be cited than his essay on "The General Property Tax." When first feudal payments in England received distinct recognition as a money tax, they appeared as a tax upon land, for land was then virtually the only form of wealth. With the growth of industry and commerce in the towns, this land tax gradually developed into a local tax on all property, supplemented by a poll tax. National taxation followed in the wake of local taxation, tallage merging into tenths and fifteenths. These were for a time fairly successful; but the continuous growth of movable property made possible increasing evasion, until the crown was forced to supplement the existing tax, deteriorated into an almost exclusive tax on land, by a new general property tax called the "subsidy." Again and again this experiment was repeated. In practice the subsidy, the monthly assessments of the Commonwealth, and the later "general property tax" successively degenerated, in spite of rigorous statutes, into virtual land taxes. The fact of their degeneration was at last formally recognized when, in 1697, what remained of the general property tax was officially styled "the annual land tax." Since that time England has given up the attempt to reach all sorts of taxable ability by one tax. The history of Roman, of French, of German, and of Italian taxation reveals an analogous development. In themselves these facts may or may not be of interest; to Mr. Seligman they are of interest because they show something: —

"History thus everywhere teaches the same lesson. As soon as the idea of direct taxation has forced itself into recognition, it assumes the practical shape of the land tax. This soon develops into the general property tax, which long remains the index of ability to pay. But as soon as the mass of property splits up, the property tax becomes an anachronism. The various kinds of personalty escape, until finally the general property tax completes the cycle of its development and reverts to its original form in the land property tax. The property tax in the United States is simply an instance of this tendency; it is not an American invention, but a relic

of mediævalism. In substance, though not in name, it has gone through every phase of the development, and any attempt to escape the shocking evils of the present by making it a general property tax in fact as well as in name is foredoomed to failure."

Among so many statements of fact as Mr. Seligman necessarily makes, an occasional slip is inevitable. For instance the war tax of republican Rome, the *tributum civium*, is declared "not so much a tax as a compulsory loan to be repaid out of the proceeds of conquest." The repayment of the *tributum* was by no means invariable, and no obligation of the state to repay it has been proved. On the contrary Livy says that it was repaid, in 187 B.C., *ad populi gratiam conciliandam*. On page 139 of the *Essays* the New York statute of 1853 which provided for taxing "the capital stock of every company . . . together with its surplus profits or reserved funds exceeding ten per cent. of its capital," is described as taxing corporations "on the amount of their paid-up capital stock in excess of ten per cent. of the capital"—words from which it is difficult to extract any meaning whatever. In the essay on "The Betterment Tax," Mr. Seligman says "the institution is indeed found in America, but the name is unknown there." On the contrary the supreme court of Massachusetts has repeatedly spoken of "assessments for betterment," e.g., in *Prince vs. Boston* (111 Mass. 226, 230—decided in 1872) and in *Foster vs. Park Commissioners* (133 Mass. 321, 336—decided in 1882). These, however, are all trifling matters, easily corrected. A questionable assertion of somewhat greater importance is that "the custom of special assessment for benefits is of English origin." Mr. Seligman finds in English statutes of 1662 and 1667 the prototype of the New York provincial law of 1691, which was "the first law providing for special assessments in America." Whatever may be the historical connection, or lack of connection, between these laws, special assessments in New York are, in fact, at least a generation older than Mr. Seligman makes them. On the 15th of March, 1657, the residents upon De Brouwer Straat in New Amsterdam asked to have their street paved, and the Burgomasters commissioned Isaack de Forest and Jeronimus Ebbingh to take charge of the work, of the expense of which all residents in the street were to bear a proportional part. Three years later the residents on De Heere Graft (now Broad Street) submitted a like petition, adding "it is also asked that each one benefited shall be made to pay a portion of the expense." On the completion of the work Jacques Cortelyou, surveyor, returned the names of the twenty-one persons who owned property on the street, with the frontage of each lot, and they were assessed sums varying from 71.01 guilders to 273 guilders, the total being 2792.19 guilders. Evidently the inhabitants of New Amsterdam were familiar with assessments for benefit before they came under English law.

In their economic aspects the *Essays*, which exhibit a competent acquaintance with the tax laws and with the fiscal theories of foreign countries as well as with our own laws and conditions, are a distinct

advance upon all previous American writing concerning state taxation. The book is accurately printed and admirably indexed.

CHARLES H. HULL.

Mr. Brooks Adams relates, in the preface to his *Law of Civilization and Decay* (New York, Macmillan and Co., 1895, pp. x, 302), that his *Emancipation of Massachusetts* led him to study more thoroughly certain aspects of the Reformation, and that these studies led him still farther back into a more general study of history, until there gradually shaped itself in his mind the theory of history which he has presented in this volume. To the reader of the book who judges it from the standpoint of the special student of the facts of history, it seems a marked example of the influence which, consciously or unconsciously, the so-called "fall of Rome" usually exerts upon the thinking of men in regard to the course of history. For him, the book strongly emphasizes the conclusion to which many considerations must have led him, that one of the things most imperatively demanded before any very complete work can be done upon the general course of history is the minute study of the fall of Rome by some one who is not merely a thoroughly trained historical critic, but who is a thoroughly trained economist as well.

The author considers the course of history to be a regular alternation between one stage in which society is loosely organized, controlled by fear as the active cause, and of a military and imaginative type, and another in which society is highly centralized, controlled by greed, and of an economic type. The first changes into the second through the accumulation of capital, and the second changes back into the first through the extinction of the productive power under a capitalistic organization. Rome gained its empire by the strength of its military class, but at once began the development of a capitalistic class which became so powerful as to control the state, and finally to destroy the producing class. This left Rome defenceless, and the Germans easily entered and introduced a new age in which the imagination again became the controlling force. Thus was produced the theocracy of Gregory VII. and the Crusades. But the Crusades brought the West into contact with the two highest civilizations of the time,—the Eastern Empire in the final stages of centralization, and the Arabs at the meridian of their material splendor,—and this contact introduced an age of economic competition in Europe. Gradually a struggle came on between the imagination, represented by the priests, and the new economic force in which the money power gained a complete victory. This victory is the Reformation, which put the state under the control of the capitalistic class as in Rome. Since then there has been a steadily increasing centralization of society, and a more and more powerful capitalistic organization, which has reached its highest point in the present century. Now all signs point to the fact that we are approaching a second change back into another military and imaginative age.

The book is very suggestive ; it presents a theory of history which must

be reckoned with; and it is remarkable for the skill with which the facts are selected. Its chief defects are a somewhat uncritical use of authorities, a failure to make the bearing of all the details upon the main line of the thought perfectly clear, and its decidedly one-sided treatment of a very complex development.

A Manual of Greek Antiquities, by Percy Gardner, Lincoln and Merton Professor of Classical Archæology at Oxford, and Frank Byron Jevons, classical tutor in the University of Durham (New York, Charles Scribner's Sons, 1895, pp. xii, 736), aims "to compress into a single volume an introduction to all the main branches of Hellenic antiquities—social, religious, and political." It does not supplant the *Dictionary of Antiquities* nor the larger German handbooks, but it gives a connected account of the outlines of the subject. Often it does more. It is, moreover, exceedingly interesting: frequently there is a sense of personal contact with the sources. Necessarily we find a rearrangement of facts that are more or less familiar, but much material will be fresh to the reader who has not followed recent archæological investigations.

Mr. Gardner treats of: The Surroundings of Greek Life; Religion and Mythology; Cultus; The Course of Life; Commerce. Different subjects are discussed with varying degrees of completeness; sometimes the treatment will seem too meagre, but students of history will find many discriminating generalizations on men and manners. Books VI.–IX., written by Mr. Jevons, will contain for historical students perhaps even more of interest. The Homeric State, the Spartan, Cretan, and Athenian Constitutions, are treated of at length; then Slavery and War; and, finally, in Book IX., The Theatre; the author defending the old-fashioned belief in the Vitruvian stage.

The Greek student will, it is hoped, be shocked by the false accents. In the first sixty-five pages there are fifteen such mistakes; e.g. on page 48 occur four instances, and it is puzzling, too, to find the *φύλας* there described as made to "hold solids." The wood-cut of the Acropolis (p. 16)—to say nothing of its antiquated character—is blurred, as are some others; usually the illustrations are judicious and helpful.

Mr. W. H. Buckler's *Origin and History of Contract in Roman Law down to the End of the Republican Period*, the Yorke Prize Essay for 1893 (Cambridge, University Press, 1895, pp. vii, 228), is devoted exclusively to the historical development of the different forms of contract at Rome up to the beginning of the empire, and accordingly the main object is the ascertaining the origin of each form, and the fixing the period in which it attained legal significance. The author is familiar with the best modern authorities, and has summed up clearly and in convenient form many of the accepted opinions. He has also taken occasion to state his own opinions in refutation of many hitherto held, but is not convincing in his theorizing. The regal period and that of the XII Tables naturally afford the best opportunity for

the expression of novel views. Of this he takes advantage, in the regal period, in connection with the origin of *sponsio*, the nature of *nexum*, etc., and concludes the chapter by criticising the statement "that the earliest known contracts were couched in a particular form of words." In the period of the XII Tables one may notice particularly his distinction between *nuncupatio* and *dictum*, his novel view as to the origin of *vadimonium* and the *actio ex causa depositi*. He curiously seems to regard the XII Tables as mainly the creation of new law.

In treating of the contracts of the later republic, Mr. Buckler deals first with the formal ones, then with those of the *jus gentium*, and lastly with certain contracts not classified as such by the jurists. In the first, which affords most opportunity for original speculation, he is least successful. In the second, he finds the origin of *emptio* in the necessary sales and purchases by the state, and a similar origin of *locatio*. All other contractual relations of this period arose later under the edict *Pacta conventa*, and were protected at first by an *actio in factum*, and only later, in most cases, by an *actio in jus*. It may be questioned whether too much importance has not been attributed, in fixing the dates of the legal recognition of the several contracts, to the allusions to, or silence concerning the same, on the part of non-legal writers such as Cicero and Plautus. Still, where authorities are scant, the most must be made of those existing, and the author has certainly been guided by this maxim in treating of this subject full of vexed questions.

Bishop Westcott of Durham has gathered into a little volume certain *Historical Essays* by his predecessor, the late Bishop Lightfoot (London and New York, Macmillan, pp. xiii, 245). The essays are so various as to give a quite miscellaneous character to the volume. The three essays on Christian life in the second and third centuries were read as lectures in St. Paul's Cathedral, and have a homiletic tone. The rehearsal of heroic days was to kindle resolve and ennoble thought. At the same time a scientific purpose chose the period intervening between the supernatural assistance of apostolic inspiration and the secular assistance of alliance with the state to explain the success of Christianity by the vital energy of its own ideas. The facts are all familiar, and the interest lies in the author's evaluation of them, and in the solid merits of his style. A stronger and more adequate exposition of the thesis was perhaps prevented by the restraints of ecclesiasticism. That Christianity won by satisfying the best moral and religious insights of men is an argument only weakened by leaning to Augustine's unhistorical view that Christianity was the only life in a decrepit and dying world. The second and third essays, dealing with the motives of persecution and the superiority of Christian worship, contain just appreciations, but the first, on the moral transformation of society, is most unsatisfactory. The illustrations are the least telling. The absence of infanticide among Christians is unfortunately made an indictment of the moral standards of paganism. Surely many pagan protests could have been

quoted, and the more perfect correspondence of precept and conduct in the Church is linked with the fact that a religion exposed to persecution attracts only the most earnestly moral elements of society. Another instance, opposition to the institution of slavery, is purely imaginary. Christian ideas can be used in behalf of emancipation, but they were not. It is not true that the Church "fearlessly carried this principle" of the equality of all men in Christ, and the institution of slavery was more endangered by Ulpian's dictum, "*jure naturali omnes liberi nascuntur . . . quod ad jus naturale attinet, omnes homines æquales sunt*," than by an assertion of religious equality before God. Had Lightfoot indulged in quotations, only two were possible: the Apostolic Constitutions, IV. 9, which probably means the redemption of Christians who have been reduced to slavery under pagan masters; and Ignatius to Polycarp, IV., which vetoes a wish for emancipation! That Pius, bishop of Rome, had a slave brother is far from certain, and the original servitude of Callistus proves nothing for Church liberality; we only know it as told to his discredit by Hippolytus. Yet, granting the case, the Church did not keep to this standard. Jerome and the bishop of Jerusalem taunt each other with the ordination of slaves, and Leo I. (Ep. IV.) describes such ordination as a pollution of the sacred ministry, and an infringement of the rights of masters.

Of the remaining essays the longest consists of two lectures, delivered at Edinburgh, on England during the latter half of the thirteenth century. The first deals with the political and constitutional history of the period, the second with the history of architecture and of the universities. They are learned, sound, and agreeable discourses, but contain nothing of importance that is either original or profound.

We have received from the University of Minnesota a useful pamphlet of fifty-four pages entitled *Outlines and Documents of English Constitutional History during the Middle Ages*, edited by Professor Charles L. Wells and Mr. F. M. Anderson. The syllabus is one which may with profit be used in other universities. A large number of the documents in Stubbs's *Charters* are here presented in translation. In the bibliographies, it is a misfortune that an alphabetical order is preserved. The pamphlet contains not a few misprints.

The Development of the French Monarchy under Louis VI., Le Gros, 1108-1137. A Dissertation presented to . . . the University of Chicago, in Candidacy for the Degree of Doctor of Philosophy, by James Westfall Thompson, A.B. (Chicago, The University, 1895, pp. xii, 114).—American history undoubtedly offers the easiest and most fruitful field of original investigation for American students. The library facilities that our country affords are so comparatively inadequate to the elucidation of the minuter problems of European history, and our want of manuscript sources is so entire, that the American investigator who cannot transfer the scene of his labors, for a time at least, across the ocean, works at a decided disad-

vantage, as compared with his English or continental colleague, if he attacks a European and especially a mediæval theme. Yet such studies must be undertaken if our graduate schools are to cultivate breadth of historic knowledge as well as accuracy of historic method; and the roll of American writers upon European themes is a sufficient proof that much of value may be accomplished in this field. Dr. Thompson deserves credit for having swerved from the usual path of the American graduate student in history and chosen the more arduous course. On the whole, he has been rewarded with a good degree of success. His sketch of the French monarchy under Louis VI. is a conscientious, painstaking piece of work, based on an extensive acquaintance with the sources and literature of the subject. In especial, his voluminous bibliography is to be commended. His portrait of the French king and his account of the methods by which the royal power was exercised and augmented, give little ground for dissent. But it is Dr. Thompson's misfortune that the special field chosen has been made so fully his own by M. Achille Luchaire, whose elaborate investigations into this portion of Capetian history have appeared in a series of monographs and volumes beginning in 1880, that what was left for the laborious gathering of the American gleaner contains little that is novel. Nor is the writer's treatment of the several heads into which he divides his theme as extensive as it might profitably have been made. This is conspicuously the case in the chapter entitled "Administrative Organization;" and a similar criticism is deserved by that headed "The Liberation of the Realm." Dr. Thompson's own sympathies, it is probable, were most aroused by the rising manifestations of the Third Estate. At all events, his work is to be seen at its best in the section designated "King and Communes; Royalty and the Popular Classes." The essay under review has worth in itself; but its highest value is as a promise of yet better things in the future from its author.

W. W.

The King's Peace, by F. A. Inderwick, Q.C. (New York, Macmillan and Co., 1895, pp. xxiv, 254), is the second in the Social England series, edited by Mr. Kenelm D. Cotes. In this book, Mr. Inderwick has presented a sketch of the English courts of law, their officers, jurisdictions, and procedure. The history of the courts is divided by the author into five periods, marked by the dominance, alternately, of the principle of centralization and decentralization, by the existence of national or local courts, of uniform or varied powers. The special topics discussed are the courts of general jurisdiction, of local jurisdiction, of special jurisdiction, as the manorial courts, the forest courts, the admiralty courts, and the Star Chamber; the officers of the courts,—the chancellor, the justiciar, the barons, and the serjeants-at-law; and the procedure,—by compurgation, by ordeal, and by torture.

The value of the book is qualified by the character of the premises: That the English law, the English peace, is the King's law and the King's peace, is the theory of the older jurists. Happily, however, the text is

not followed, and it is in other and minor matters that the author's legal conservatism is especially observable. In the discussion of the forest courts and law, in particular, he maintains the validity of the Forest Charter of Cnut, Dr. Liebermann to the contrary notwithstanding. Again, in the discussion of the influence of the Roman law upon English law, he hazards a doubt, in spite of Mr. Maitland's recent assurances on that subject.

In spite of these failures, the failures rather of a legal antiquarian than of an historian, the book will possess a value and an interest for the general reader, an interest enhanced by several well-chosen illustrations, and a value increased by the presentation of a short bibliography.

In a little cardboard-bound volume of 114 pages, among the Publications of the University of Pennsylvania (Series in Philology, Literature, and Archaeology, Vol. IV., No. 2), Professor E. P. Cheyney has brought together, arranged, and commented on almost every scrap of printed information concerning the rural changes in England in the Tudor period (*Social Changes in England in the Sixteenth Century, as reflected in Contemporary Literature*. Part I. *Rural Changes*). He has had the happy idea of adding a reproduction, in miniature, of one of the Oxfordshire open-field maps, published in 1889, by the Clarendon Press, at the instance of the late Mr. Mowat, but already very difficult to get hold of; and of adding, also, a reproduction of an excellent photograph, recently taken by himself, of an open-field still existing near Coblenz. These are welcome reinforcements to the maps in Mr. Seebohm's *English Village Community*; and may, we will hope, penetrate to "purely literary" circles, where Mr. Seebohm is perhaps unknown.

The publication is one among many recent indications of the growing interest in the economic side of history; and it forms an excellent introduction to the subject. But it could be wished that Professor Cheyney had not shown quite so much tender mercy for the literary students as to refrain almost entirely, as here he does, from expressing his own opinion on some of the legal and economic questions, still under discussion, in regard to the enclosure movement. On the former, he would have got some help from Professor Maitland's *History of English Law*, and on the latter from Professor Hasbach's *Die englischen Landarbeiter*. W. J. A.

An attractive little volume is issued in limited edition by George H. Richmond and Co., of New York, under the title *A Letter written on October 4, 1589, by Captain Cuellar of the Spanish Armada to his Majesty King Philip II., recounting his Misadventures in Ireland and elsewhere after the Wreck of his Ship* (pp. x, 109). The book is labelled *Spanish Armada Tract Number 1*, but no announcement is made respecting subsequent issues, nor respecting the scope of the series. This first tract is translated by Henry D. Sedgwick, Jr., from the Spanish text given in Captain Fernandez Duro's *La Armada Invencible*. The letter is a very interesting one,

and gives a graphic picture of the demoralization of the Armada as it made its fatal attempt to circumnavigate Scotland and Ireland, and of the sufferings of the multitudes who were wrecked on the Irish coast. Cuellar was wrecked in O'Rourke's country, and with many romantic adventures made his way to that of O'Cahan, where he finally found ship for Scotland. His picture of the condition of Ireland is sufficiently horrible. "To sum up," he says, "in that country there is neither justice nor right, and everybody does what he likes. These savages liked us very much, for they knew that we were great enemies to the heretics and had come against them, and had it not been for them, not one of us would now be alive. We were very grateful to them for this, although they were the first to rob and plunder those of us who reached the land alive."

Mr. C. H. Firth has put the world greatly in his debt by bringing to light interesting manuscripts long lying obscure in the library of Worcester College, Oxford. Chief among these are the papers of William Clarke, secretary to the Council of the Army, 1647-1649, and to General Monck and the commanders of the army in Scotland, 1651-1660, which Mr. Firth edited for the Camden Society. The *Journal of Joachim Hane, 1653-1654* (Oxford, B. H. Blackwell; London, T. Fisher Unwin, 1896, pp. xxxii, 103), another find of Mr. Firth's in the library of Worcester College, has but small worth as compared with the Clarke Papers. Hane was a German military engineer, attached to Cromwell in the latter years of the Civil War, and employed by him at last in secret service in France. In that country he spent some months, during which sojourn, becoming discovered, he underwent the most painful trials, living constantly in danger of torture and death. After his return to England he described his adventures in the record now for the first time brought forth and printed.

Little interest attaches to the figure of Hane. He was a foreign soldier who at the close of the Thirty Years' War, like hundreds more, drifted across to England, where fighting was still going on. The record shows him to have been pious after the fashion of the time; he was trustworthy and had skill in his profession. He was quite untouched, however, by any of the greatness which marked some of the figures in daily contact with him. The *Journal* forms a pendant, appropriate enough, to the Clarke Papers, but deserves no large amount of attention. For such a hand as that of Mr. Firth, the careful introduction and notes seem like labor hardly well bestowed.

J. K. H.

It is not altogether easy to decide upon the amount of attention that a historical review ought to give to *The Life and Writings of Turgot, Comptroller-General of France, 1774-1776*, "edited for English readers" by W. Walker Stephens (London, Longmans, Green and Co., 1895, pp. ix, 331). With the aid mainly of Condorcet's and M. Léon Say's biographies, of the editions of Turgot's works by Dupont de Nemours and Daire, and of the general histories of France, Mr. Stephens has put together, in workman-

like fashion and readable form, a brief (155 pp.), and of course sketchy life of Turgot, with abundant quotations from his authorities. To this is appended a translation of certain "Selected Writings of Turgot," including the larger part of the *Éloge de Gournay*. It cannot but be regretted, in spite of the reasons here assigned (p. 229), that Mr. Stephens did not see fit to give us a translation of the *Réflexions sur la Formation et la Distribution des Richesses*; for that, reprinted in 1859, in one of the Overstone volumes of Economical Tracts, is practically inaccessible to most students.

There is thus absolutely nothing original in Mr. Stephens's volume, and even for the English reader unable to use French books, little that he will not find in Mr. Morley's essay, and Mr. Masson's translation from M. Léon Say. Mr. Stephens, moreover, shows no great knowledge of eighteenth-century French thought in general, or of economic thought in particular; and he has missed an excellent opportunity to give us a *résumé* in English of the literature that has recently grown up—at the hands chiefly of Professor Oncken—concerning the Physiocratic group to which Turgot belonged. Nevertheless the book makes no pretence to be what it is not; it is written with a sympathy which ought to prove contagious with those who take it up knowing nothing of its subject; and in any college where classes study French history or the history of political economy, without being able to read French,—and we cannot but fear that such cases are not unknown,—it will be interesting and therefore useful. W. J. A.

M. Anatole Leroy-Beaulieu (*Israel among the Nations; a Study of the Jews and Antisemitism*, translated by Frances Hellman; New York, G. P. Putnam's Sons, 1895, pp. xxiii, 385) has studied the Jew for the noblest of purposes. A disciple of him who said *Beati pacifici*, he writes to promote the advent of a kingdom which is "peace through justice" for all classes and all individuals. Reciting the modern emancipation of the Jews after the initiative of France in 1791, he estimates the present distribution and movement of this population, and proceeds to show the folly of the present revival of antagonism to the people thus recently made conspicuous by the free exercise of their talents. This antagonism has the triple strength of religious intolerance, national or racial exclusiveness, and mercantile competition. The economic aspect is here neglected with the promise of another volume on "the rôle played by money among the nations of to-day."

M. Leroy-Beaulieu has an easy task in showing the groundlessness of religious apprehensions concerning Judaism, and neatly confounds the dread felt for Jews as dangerous to national ideals by showing that the identification of religious and national unity is a lower—Oriental and Slavic—stage of development, which western Europe outgrew in the experiences of the sixteenth and seventeenth centuries. The superstition is thus reduced to one remaining element; our author divides in order to conquer.

The racial antagonism is then undermined by attempting to show that

Jewish blood belongs to all Western peoples and that the Jews have a large admixture of Aryan stock. These positions are finely strategic, but the campaign after all has rather the air of a prolonged skirmish. Most readers have patience for a little more system and consecutiveness along with the epigrammatic diversion. Moreover, Mr. Flinders Petrie's recent discussion of the meaning of race suggests that M. Leroy-Beaulieu has not succeeded in performing "the vanishing trick" with the Jewish race.

Since Antisemitism has no substantial basis, how has it come to pass? The author claims to write both as a Christian and a Frenchman, and we are not surprised that this disturbance in "the Europe of the Hohenzollerns" (p. 370) is no mere case of atavism. The craze started in Germany in 1879. It is a *Kulturkampf*. It was the retort of German Catholicism in the anticlerical campaign, led by Berlin journals under Jewish editors. "Make front against Rome" was answered by "Make front against New Jerusalem," and the cry was then caught up by Prussian Protestants and passed to the priests of Russia and the Catholics of Austria and France. It is a blundering diagnosis of the malady of institutional decay, and the blunder is in origin the offspring of "Teutonic pride." Possibly the promised volume on the money power will elucidate this.

Several admirable and entertaining chapters discuss the physical, mental, and moral traits and aptitudes of the Jew, arguing that the peculiar differentiation of the Jew is largely due to enforced isolation in the past, and that Jewish particularism must vanish in the process of free assimilation to national organisms. For the Judaism that would survive only as a cosmopolitan religion, M. Leroy-Beaulieu has the noblest sentiments of respect and good-will.

F. A. C.

The Directors of the Old South Work have served the convenience of many libraries, students, and teachers of history by putting their valuable series of *Old South Leaflets* into bound volumes, each volume containing twenty-five leaflets. Two volumes have now been made up. The usefulness of the series is perceived anew upon a glance at these fifty issues. Without specifying the many documents which have been printed in order to illustrate topics of local history or other special topics from time to time taken up in the Old South courses, it may suffice to enumerate those which illustrate the constitutional history of the United States: the Constitution, the Articles of Confederation, the Declaration of Independence, Vane's *Healing Question*, the Charter of Massachusetts Bay, the Fundamental Orders of Connecticut, Franklin's Plan of Union, the Ordinance of 1787, and the essential constitutional documents of the period of the English Commonwealth, such as the Petition of Right, the Grand Remonstrance, the Scottish National Covenants, the Agreement of the People, and the Instrument of Government. Historical and bibliographical notes accompany each number.

M. René de Kerallain's *La Jeunesse de Bougainville et la Guerre de Sept Ans* (privately reprinted from the *Revue Historique*, Paris, 1896,

pp. 190) is an answer to what the author thinks the misleading statements of the Abbé Casgrain. While serving in Canada, Bougainville wrote numerous letters, a journal, and memoirs, in all of which he speaks in disparaging terms of the Canadian military and civil service. The officers, he says, were ignorant of the art of war as known in Europe, they allowed by their negligence, if they did not encourage, the atrocious massacres by the Indians of English prisoners; and corruption ruled in the commissariat department to such an extent that the French troops were on the verge of starvation. Bougainville even accuses (erroneously) the Governor, the Marquis de Vaudreuil, a Canadian by birth, of sharing in this robbery. The Abbé Casgrain, an ardent Canadian patriot, in his *Montcalm et Lévis* and in some volumes of documents edited by him for the Quebec government, turns the attack upon Bougainville, whom he describes as a Jansenist, a gambler, a roué, and more. M. de Kerallain, writing on behalf of the descendants of Bougainville, excuses his late reply because, as he hints designedly, the Abbé's book has only recently become known in France. Probably, however, no one regrets more than the Abbé the tardy interest that the French have shown in his work. He is said now as an editor to have been careless about securing a pure text, to have arranged his documents uncritically, and to have added too few notes; as an author to copy Parkman servilely, to make unfulfilled claims to original research, and above all to show peculiar venom towards Bougainville. This is especially evident, M. de Kerallain thinks, in the charge that Bougainville was to blame for the massacre of the English sick and wounded at Fort George, and he now shows that Bougainville was a junior officer there and in no way responsible for what was done. The author writes angrily, but is master of the literature of his subject and gives copious citations of authorities. The numerous letters of Bougainville, some now printed for the first time, show him as an affectionate relative, a keen observer, a piquant writer, and a high-minded soldier. M. de Kerallain promises a complete history of Bougainville's long and varied career.

G. M. W.

The American Jewish Historical Society has issued No. 4 of its *Publications*, containing papers presented at the third annual meeting, held at Washington, in December, 1894. Two of the papers are of much interest, those of Dr. Cyrus Adler on the trial of Jorge de Almeida by the Inquisition in Mexico, and of Dr. George A. Kohut on Jewish Martyrs of the Inquisition in South America; the rest are of little importance. Dr. Adler describes, from manuscript materials found in a book-store in Washington, the trial of a Jew, who, in 1609, having fled, was condemned in his absence by the Holy Office at Mexico and burned in effigy. The documents give an interesting picture of the position and life of the Marranos in that city. Dr. Kohut's paper contains a large amount of learned and interesting matter, but conveys it in a confused order and with little regard to the distinction between original and second-hand authorities.

Mr. William F. Boogher of Washington, D.C., issues, in a volume under the title of *Miscellaneous Americana* (W. F. Boogher, Room 6, 1339 F Street, Washington ; or Dando Publishing Co., 34 South Third Street, Philadelphia), a number of historical pieces which had been originally intended for issue in monthly parts. A large part of the volume consists of documents, many of which are of extreme interest. Among these may be signalized the will of Robert Morris of Oxford, Md. (father of the financier) ; a letter of Samuel Allinson of Burlington, N.J., to Elias Boudinot, in relation to the testimony of Quakers against negro slavery ; a letter of Gouverneur Morris regarding the opening of the States-General ; a letter of the London printer, William Strahan, written in 1770 ; a long letter of Hugh Hammersley to Governor Sharpe of Maryland (1767). Mr. Henry Phillips, Jr., contributes a considerable number of extracts from English magazines of 1731 and 1732 relating to America and especially to the southernmost colonies. Several letters written by Mrs. John Jay in Spain and France to Mrs. Robert Morris (1780-1783) have also a certain interest as a picture of European society as it presented itself to the mind of an American lady. Of the original articles which are included in the miscellany, the greater number are connected with the history of Philadelphia and the surrounding region. An exception is Mr. Edward Ingle's article on "The Parish in Virginia," but this appeared in 1885 in the Johns Hopkins University Studies.

No accessible collection of material relating to the political history of the thirty years succeeding the Revolution (aside from those in the library of the Department of State) is so important as the mass of Pickering Papers possessed by the Massachusetts Historical Society. The Society has performed a service of inestimable value to careful students of this period by printing, as Vol. VIII. of the Sixth Series of its Collections, an *Historical Index* to these papers. The index has been prepared upon an admirable plan and with consummate care. It makes a volume of 580 pages, containing an abstract of every letter, with an entry under every important subject alluded to therein. The entries of subjects, of persons writing to Colonel Pickering, and of persons to whom he wrote, are all embraced in one alphabetical arrangement, but with such typographical distinctions as make it easy to determine to which of these three classes the entry belongs. The indexing was performed by Miss Harriet E. Green, under the direction of a committee of which the late Mr. Edward J. Lowell was chairman, but which finally consisted of Messrs. C. C. Smith, A. L. Lowell, Roger Wolcott, and S. F. McCleary. The manuscript collection indexed consists of 58 volumes, illustrating with great fulness the history of events in the Revolutionary War connected with the offices of adjutant-general and quartermaster-general, of affairs in the Wyoming valley after the war, of the business of the postmaster-general, secretary of war, and secretary of state during Colonel Pickering's tenure of those offices, and of federal politics during a long period.

The Government Printing Office has begun the issue of the *Official Records of the Union and Confederate Navies in the War of the Rebellion*. The work of preparation has been going on since 1884. The plan of publication contemplates the issue of three series. The first is to embrace the reports, orders, and correspondence, both Union and Confederate, relating to all naval operations on the Atlantic and Gulf coasts and inland waters of the United States during the Civil War, together with the operations of vessels acting singly, either as cruisers or privateers, in different parts of the world. The second series is to embrace the reports, orders, and correspondence relating to the administration of naval affairs, such as the construction and outfit of the two navies, matters relating to naval captures and prisoners, etc. The third series is to embrace papers not belonging to the first two. The first series is to consist of seven principal divisions, relating respectively to the operations of the cruisers during the war, to the initial operations in the Gulf of Mexico, to the initial operations on the Atlantic coast, to the operations on the Potomac and Rappahannock rivers during the whole war, to the history of the Atlantic blockading squadrons, to that of the Gulf blockading squadrons, and to the operations on the Western rivers. Two volumes have now been issued, designated respectively as *53d Congress, 3d Session, House Misc. Doc. 58*, and *54th Congress, 1st Session, House Doc. 36*. The former presents in 890 pages the papers relating to the operations of the Union and Confederate cruisers down to the end of the year 1862, the latter (921 pages) continues the same to the end of March, 1864.

A little volume of extraordinary interest to the student of American social history is that of Judge John H. Stiness, entitled *A Century of Lotteries in Rhode Island, 1744-1844*, published as No. 3 in the second series of Mr. S. S. Rider's *Rhode Island Historical Tracts* (Providence, 1896, 123 pp.). Though it is certain that lotteries existed as early as 1733, definite knowledge of them begins with that authorized by the General Assembly in 1744. The narrative closes with the winding-up of the last lottery by reason of prohibitions in the constitution of 1842. The author's careful research reveals between these dates a number of lotteries so enormous as to raise his theme into a subject of the greatest importance in the social history of the state. That Rhode Island was in a peculiar degree infested with these enterprises is not probable (she was the fourth state to prohibit them), yet the author shows that in the first twenty-five years, few and poor as were the inhabitants, the grants amounted to \$1,250,000. In the three years from 1827 to 1830 they were over \$4,000,000. Churches and educational institutions and public improvements of all sorts figure in the pages as the beneficiaries of the grant. Fac-similes of a great variety of lottery tickets, beginning with that of 1744, illustrate the monograph.

Mr. C. W. Raines, formerly librarian of the State Library of Texas, has placed all students of Southwestern history under great obligations by his *Bibliography of Texas* (Austin, Gammel Book Co., pp. 268), in which he

catalogues an enormous number of books and pamphlets relating to Texas, and furnishes a complete collation of the laws of the Republic and State. Beside titles bearing upon Texan history, a great many titles of books written by Texans or printed in Texas are included. Yet since manifestly not all such are included, it is hard to say whether the plan of the book is that of a historical or of a general bibliography. Neither the title nor the preface gives a clear idea of the author's plan. The work has been done with great industry and zeal, and the book will be indispensable to all who work in Texan history. Yet no careful student will fail to wish frequently during his use of it, that it had been made with more accuracy and with more knowledge of the refinements of bibliography. Examination shows many cases in which even the alphabetical order is not perfectly preserved ; there is hardly a Spanish title in the book in which there is not a misprint ; and the same must be said of many of the French and German titles. Other errors and infelicities are not uncommon. The book is clearly printed.

BIBLIOGRAPHICAL

1. *New England Town Records.*

[The following list of printed volumes of New England town records is printed because of its interest to the student of the history of local institutions, and in the hope of encouraging still other communities in New England and elsewhere to engage in the useful and important work of preserving their historical records. It cannot be hoped that the list is absolutely complete. The list for Massachusetts, however, which has been supplied by the kindness of Robert T. Swan, Esq., Public Record Commissioner, is probably perfect. It is not known to the compiler that any towns in Maine or Vermont have published their records, or have begun their systematic publication; but it is understood that the city of Saco intends to take this step, and that its first volume will soon appear. Of extracts published in town histories, etc., the following list makes no account.]

NEW HAMPSHIRE.

Concord. Concord Town Records, 1732-1820. Printed by authority of Joint Resolutions passed by the City Council, April 9, 1889, and February 13, 1894. Concord, 1894.

MASSACHUSETTS.

Amherst. Records of the Town of Amherst, from 1735 to 1788. Reprinted from the *Amherst Record* of 1883-1884. Edited by J. F. Jameson. Amherst, 1884.

Messrs. Carpenter and Morehouse are about to issue volumes containing the records of the town from 1735 to 1800.

Boston. Reports of the Record Commissioners:—

First. Tax Lists and Lists of Inhabitants prior to 1700. 1876. Second Ed., 1881.

Second. Boston Records, 1634-1660, and the Book of Possessions. 1877. Second Ed., 1881.

Third. Charlestown Land Records, 1638-1802. 1878. Second Ed., 1883.

Fourth. Dorchester Town Records. 1880.

Fifth. "Gleaner" Articles. Contributed to the Boston *Daily Transcript* in 1855 by the late Nathaniel Ingersoll Bowditch, under the signature of "Gleaner." 1880.

Sixth. Roxbury Land and Church Records. 1880.

Seventh. Boston Town Records, 1660-1701. 1881.

Eighth. Boston Town Records, 1700-1728. 1882.

- Ninth.* Boston Births, Baptisms, Marriages, and Deaths, 1630-1699. 1883.
- Tenth.* Miscellaneous Papers: Will of Robert Keayne; Admissions to the Town of Boston; Tax Lists, 1691-1693; Abatements of Taxes, 1700-1702; Establishment of the Poor Fund; Census of 1707; Reprint of Boston Directories, with maps, 1789, 1796, etc. 1886.
- Eleventh.* Records of Boston Selectmen, 1701-1715. 1884.
- Twelfth.* Boston Town Records, 1729-1742. 1885.
- Thirteenth.* Records of Boston Selectmen, 1716-1736. 1885.
- Fourteenth.* Boston Town Records, 1742-1757. 1885.
- Fifteenth.* Records of Boston Selectmen, 1736-1742. 1886.
- Sixteenth.* Boston Town Records, 1758-1769. 1886.
- Seventeenth.* Selectmen's Minutes, 1743-1753. 1887.
- Eighteenth.* Boston Town Records, 1770 through 1777. 1887.
- Nineteenth.* Selectmen's Minutes from 1754 through 1763. 1887.
- Twentieth.* Selectmen's Minutes from 1764 through 1768. 1889.
- Twenty-first.* Dorchester Births, Marriages, and Deaths to the end of 1825. 1890.
- Twenty-second.* Statistics of the United States' Direct Tax of 1798, as assessed on Boston; Names of the Inhabitants of Boston in 1790, as collected for the First National Census. 1890.
- Twenty-third.* Selectmen's Minutes from 1769 through April, 1775. 1893.
- Twenty-fourth.* Boston Births, 1700-1800. 1894.
- Twenty-fifth.* Selectmen's Minutes, 1776 through 1786. 1894.
- Twenty-sixth.* Boston Town Records, 1778-1783. 1895.
- Braintree.** Records of the Town of Braintree, 1640-1793. Edited by Samuel A. Bates. Randolph, 1886.
- Brookline.** Muddy River and Brookline Records, 1634-1838. By the inhabitants of Brookline, in town meeting. 1875.
- Town Records of Brookline, Mass., 1872-1884. Published by vote of the town. 1888.
- Brookline Town Records, 1838-1857; same, 1858-1871. 1892.
- Cambridge.** The Regestere; Booke of the Lands and Howses in the Newtowne 1635. Cambridge, 1896.
- Dedham.** The Records of Births, Marriages, and Deaths, and Intentions of Marriage, in the Town of Dedham. Vols. I. and II. With an appendix containing records of marriages before 1800, returned from other towns, under the statute of 1857. 1635-1845. Edited by Don Gleason Hill, town clerk. Dedham, 1886.
- A Memorial Volume. The Record of Baptisms, Marriages, and Deaths, and Admissions to the Church and Dismissals therefrom, transcribed from the Church Records in the Town of Dedham, Mass., 1638-1845. Also all the epitaphs in the ancient burial-place in Dedham, together with the other inscriptions before 1845 in the three parish cemeteries. Edited by Don Gleason Hill. Dedham, 1888.

- An Alphabetical Abstract of the Record of Marriages in the Town of Dedham, Mass., 1844-1890. Arranged under the names of grooms, with an index of brides. Compiled by Don Gleason Hill. Dedham, 1896.
- Groton. The Early Records of Groton, 1662-1707. Edited by Samuel A. Green, M.D. 1880.
- Lancaster. The Early Records of Lancaster, Mass., 1643-1725. With map. Edited by Henry S. Nourse, A.M. Lancaster, 1884.
- The Birth, Marriage, and Death Register, Church Records and Epitaphs, of Lancaster, Mass., 1643-1850. Edited by Henry S. Nourse, A.M. Lancaster, 1890.
- Manchester. Town Records of Manchester, from the earliest grants of land, 1636, when a portion of Salem, until 1736, as contained in the Town Records of Salem, Second and Third Book of Records of the Town of Manchester. Salem, 1889.
- Town Records of Manchester from 1718 to 1769, as contained in the "Commoners' Records" and the Fourth Book of Town Records from 1736 to 1786. Salem, 1891.
- Plymouth. Records of the Town of Plymouth. Published by order of the town. Vol. I., 1636-1705. Plymouth, 1889.
- Records of the Town of Plymouth. Published by order of the town. Vol. II., 1706-1743. Plymouth, 1892.
- Weston. Records of the First Precinct, 1746-1754, and of the Town, 1754-1803. Edited by Mary Frances Peirce. Boston, 1893.
- Records of the Town Clerk, 1804-1826. Edited by Mary Frances Peirce.
- Woburn. Woburn Records of Births, Deaths, and Marriages, from 1640 to 1873. Part 1. Births. Alphabetically and chronologically arranged by Edward F. Johnson. Woburn, 1890.
- Part 2. Deaths. With transcript of epitaphs in Woburn first and second burial-grounds. By W. R. Cutter and E. F. Johnson. Woburn, 1890.
- Part 3. Marriages. Alphabetically and chronologically arranged by Edward F. Johnson. Woburn, 1891.
- Woburn Records of Births, Deaths, and Marriages. Part 5. Deaths, 1873-1890. Alphabetically and chronologically arranged by Edward F. Johnson. Woburn, 1893.
- Worcester. Early Records of the Town of Worcester. Book 1, 1722-1739. Edited by Franklin P. Rice. In Worcester Society of Antiquity Collections, Vol. II. Worcester, 1879.
- Same. Book 2 (in same vol.), 1740-1753. Worcester, 1880.
- Records of the Proprietors of Worcester. Edited by Franklin P. Rice. In Worcester Society of Antiquity Collections, Vol. III. Worcester, 1881.
- Town Records from 1753 to 1783. Edited by Franklin P. Rice. In Worcester Society of Antiquity Collections, Vol. IV. Worcester, 1882.

Town Records, 1784-1794. Edited by Franklin P. Rice. Nos. 28 and 29 of the Worcester Society of Antiquity Collections. Worcester, 1890.

Town Records, 1795-1816. Edited by Franklin P. Rice. Nos. 30 to 34 Worcester Society of Antiquity Collections. Worcester, 1891, 1892.

RHODE ISLAND.

Providence. The Early Records of the Town of Providence. Vol. I. The First Book of the Town of Providence (1633-1712). Printed under authority of the City Council, by Horatio Rogers, George M. Carpenter, and Edward Field, Record Commissioners. Providence, 1892.

Same. Vol. II. The Second Book of the Town. (Meetings, 1642-1661.) 1893.

Same. Vol. III. Part of the Third Book. (Meetings, 1661-1673.) 1893.

Same. Vol. IV. Part of the Third Book. (Meetings, 1673-1676; Deeds, 1656-1707.) 1893.

Same. Vol. V. Part of the Third Book. (Deeds.) 1894.

Same. Vol. VI. Part of Will Book No. 1. (Wills, 1678-1709.) 1894.

Same. Vol. VII. Part of Will Book No. 1. (Wills, 1689-1716.) 1894.

Same. Vol. VIII. (Town Meetings, 1676-1691.) 1895.

Same. Vol. IX. (Miscellaneous, 1678-1750.) 1895.

CONNECTICUT.

Stamford. Registration of Births, Marriages, and Deaths, including every Name, Relationship, and Date now found in the Stamford Registers from the first Record down to the year 1825. By Rev. E. B. Huntington, A.M. Stamford, 1874.

2. *The Burton Historical Collection.*

[The following account of a library which, though of private ownership, is freely made accessible to students, has been kindly prepared by Mr. William D. Johnston of the University of Michigan.]

The Burton Historical Collection is located in a fire-proof building erected for that purpose by Mr. C. M. Burton, in the city of Detroit. It was commenced by Mr. Burton in 1871, and has been carried on with the assistance of copyists, one of whom is now engaged at Columbus, Ohio; others at West Point, at Washington, and at Montreal; and others at the churches of St. Anne, Detroit, and l'Assumption, Sandwich, Ontario. Copyists are also employed at Paris and at London under the supervision

of Mr. B. F. Stevens. The purpose of the collector has been to secure the materials for the histories (1) of Detroit, (2) of the Northwest, (3) of North America, and (4) of England as they relate to the history of Detroit and the Northwest. There is contained in the collection at present the following:—

I. Detroit History. 1. Public documents: notaries' records, 1689–1710; city charters, annual reports, common council proceedings, and miscellaneous municipal publications.

2. Church records: St. Anne, 1703–1895 (manuscript); l'Assumption, 1756–1895 (manuscript); church reports.

3. Newspapers: *Detroit Gazette*, 1816–1830 (type-written copy); *Courier*, 1831; *Free Press*, 1831–1896; *Journal*, from 1831 to date, under various titles.

4. Family papers and correspondence: Cadillac Papers, copied from the Paris archives (manuscript); correspondence of Alexander Henry, Alexander Grant, John Askin, James McGill, Isaac Todd, 1760–1816; of General John R. Williams, first mayor of Detroit, 63 volumes, 1800–1854; James A. VanDyke and Halmer H. Emmons, 1830–1870; Ferdinand C. Rivard, 1747–1840; Charles B. Chauvin, 1800–1875; Denis and Theodore Campau, 1840–1880; Joseph Vissier, dit Laferté, 1750–1780; James Abbot, first postmaster, 1780–1840; letters by Robert Rogers, 1755–1764; Joseph Brant, and the Moravian preachers, Heckewelder, Zeisberger, Senseman, and others, including Indian deeds conveying the northwestern portion of Ohio and the southeastern portion of Michigan.

5. Miscellaneous matter: annual reports of local societies, Masonic, etc., photographs of prominent citizens, and broadsides.

II. Northwestern History. 1. Public documents: laws of the Northwest Territory, Michigan state laws, Michigan House and Senate journals and joint documents, and the Cass Code.

2. Travels: Mackenzie, 1789–1793; Potherie, 1534–1723; La Hontan, 1683–1694; Carver, 1784; Honiton, 1685; Henry, 1760–1776; Collot, 1795; Champlain, 1615; Frontenac, 1696; Kalm, 1748; Schoolcraft, 1820; *Jesuit Relations*, 1632–1672; *Discovery of Canada*, 1534–1542; *Mémoire sur le Canada*, 1749–1750; Abbé Faillon's *Canada*.

3. Newspapers: (fugitive), *Western Herald*, 1838; *Constitutionalist*, 1837; *Piqua Gazette*, Ohio, 1825; *Crisis*, 1849, etc.

4. Historical Societies: various complete sets.

5. Magazines: various complete sets.

6. Maps and atlases, 1680 to date.

III. North American History. 1. Travels, various.

2. Diaries: various, printed; Commissary Willson's orderly book, 1759, (manuscript); General Anthony Wayne's orderly book, seven vols. (manuscript).

3. Publications of historical societies, election sermons, newspapers, magazines, and other Americana, including several rare editions of *McFingal*.

IV. **English History.** This embraces (1) miscellaneous matter illustrative of relations with America, (2) a valuable collection of English histories, including some rare editions, and (3) several collections of tracts relative to the *Eikon Basilike*, the Sacheverell trial, and the Junius letters.

The library numbers about 8000 volumes and 8000 pamphlets, together with unclassified letters and documents of local interest and value, unprinted, to the number of about 25,000. These when arranged will afford rare facilities for the further study of Northwestern, and especially Detroit, history.

NOTES AND NEWS

The Rev. John Owen, author of *Evenings with the Skeptics* (1881), *The Skeptics of the Italian Renaissance* (1892), and *The Skeptics of the French Renaissance* (1893), died on February 6, at the age of 63.

The Italian historian Giuseppe di Leva, born at Zara in 1821, and especially known by his *Storia commentata di Carlo V. in Correlazione all'Italia*, died at Padua on November 29.

Johannes Overbeck, the distinguished archæologist, born at Antwerp in 1826, died on November 8 at Leipzig. His *Geschichte der griechischen Plastik* was his most famous work.

Alexandre Henne, Belgian historian, best known by his excellent *Histoire du Règne de Charles-Quint en Belgique* (1858-1860) died on January 10, aged 84.

Henri van Laun, author of two volumes on the *French Revolutionary Epoch*, published in 1879, died in London on January 19, at the age of 76.

The American Historical Association held its eleventh annual meeting at Washington on December 26 and 27. Senator George F. Hoar, president of the Association for 1895, took as the subject of his address, Popular Discontent with Representative Government. Thirty-two other papers were upon the programme. Thirty of these were appointed for December 27. The result of this congestion was that in the forenoon the experiment was tried of maintaining two simultaneous sessions in adjoining halls, one section being devoted to American colonial history, the other to American political history of periods subsequent to 1775. The experiment was not wholly successful. The papers, which it is impossible for us to enumerate, exhibited in a gratifying measure the activity and variety of the researches in American history which are progressing under academic auspices, or as the result of academic impulse, and in particular made it plain that, whatever be the case with the general public, the serious historical students of the country are fully alive to the importance of researches in the field of post-revolutionary history. Yet one who compares the proceedings with those of similar gatherings in Europe will be surprised to see how much less the mind of American historical students is directed toward those problems of economic history which of late so largely occupy historical students and conventions in Europe, although economic factors may well be thought to have exercised a more powerful influence upon the history of the United States than of older lands. Papers which attracted

especial attention were those of Professor H. L. Osgood, proposing a new classification of colonial governments; of Dr. Herbert Friedenwald, on the Journals of the Continental Congress; of Professor W. H. Siebert, on the Underground Railroad; of Professor B. S. Terry, on the political aspects of the Homestead Law agitation; of Dr. A. C. Coolidge, on the study of the history of Northern Europe; and of Dr. Frederic Bancroft, on the French in Mexico and the Monroe Doctrine. Dr. Richard S. Storrs was elected president for the next year, Mr. James Schouler and Professor George P. Fisher, vice-presidents; Professor H. Morse Stephens and Professor Frederick J. Turner were added to the executive council. A vote which will be welcomed by many appointed New York as the next place of meeting, the dates being December 29, 30, and 31, 1896.

The income of the Association considerably exceeding its expenses, the executive council have resolved to spend some of its future revenues in the promotion of historical investigation upon definite lines. They have instituted a Historical Manuscripts Commission which, like the English commission of similar name, will prepare reports upon original unprinted materials in various parts of the country, relating to the history of the United States. Calendars of these manuscript sources will be published, especially in the case of documents which are in private hands and therefore do not fall within the field of operations of the Bureau of Rolls and Library, nor within the scope of state-archive publications. If the work of the commission is successfully conducted, its establishment must surely be regarded as a step of great importance in the promotion of scholarly research in American history. The commission is to consist of Professor J. Franklin Jameson, chairman; Dr. Douglas Brymner, archivist of the Dominion of Canada; Talcott Williams, Esq., of Philadelphia; Professor William P. Trent, of the University of the South, and Professor Frederick J. Turner, of Wisconsin.

The executive council has also voted to offer a prize of \$100 for the best monograph based upon original investigation in history submitted to the council during the coming year, university dissertations excluded, and to print the best five or six of the monographs thus submitted, if of an approved degree of excellence; also to establish a gold prize medal of the value of \$100, to be awarded at suitable intervals for the best completed work of research in history published in this country through the ordinary channels of publication. The first award will be made to some book published after January 1, 1896; succeeding awards only to works published, in each case, since the last preceding award. The intervals will probably be about three years.

The Report of the Association containing the papers read at its meeting of December, 1894, has not yet appeared.

An important announcement in the field of historical geography is that of Fr. Schrader's *Atlas de Géographie Historique*, just published by Hachette. The atlas consists of 167 colored maps on 55 sheets, accom-

panied by much historical letter-press containing 115 maps and plans in black and white inserted in the text, and by an alphabetical index of names. The price of the atlas, bound, is 35 fr., and each map is sold separately. The high quality of this new book of reference is made evident by the list of collaborators. The maps and text for the earlier periods of ancient history have been under the charge of M. G. Maspero; those for Greece have been prepared by M. Haussoullier; those for Rome by M. P. Guiraud; those for Gaul and Mediæval France by M. A. Longnon. Other collaborators have been MM. L. Cahun, Bourgeois, Debidour, Rambaud, Sorel, and Waddington, while MM. E. Lavissee and H. Lemonnier have had a general editorial supervision of the work.

The *Deutsche Zeitschrift für Geschichtswissenschaft* is announced to appear with regularity, beginning April 1, 1896, under the editorial care of Professors G. Buchholz, K. Lamprecht, E. Marcks, and G. Seeliger, the latter being the managing editor. It will be published by J. C. B. Mohr (P. Siebeck), at Freiburg i. B. and Leipzig. The plan of publication contemplates the issue of quarterly parts, each of eight sheets, containing the body articles and bibliography of German history, and of monthly parts of two sheets each containing the reviews and notes and news.

Soon after the publication of the first number of the *Revue Internationale des Archives, des Bibliothèques, et des Musées* it became necessary to reorganize the managing committee, which will henceforth consist of M. A. Giry, of the École des Chartes, as chairman, and MM. Langlois, Ch. Mortet of the Bibliothèque Sainte-Geneviève, Reinach, Stein, Venturi, and Winsor. Publication has been delayed. The two numbers (six parts) remaining to complete the first volume will be issued during the course of the present year, and the second volume will begin with the year 1897.

A bibliography of the Congo, containing 3,800 titles, relating to the history, etc., of that region, has been published by A. J. Wauters, the author, — *Bibliographie du Congo, 1880-1895* (Brussels, 356 pp.)

Archivrath Dr. Ernst Berner will hereafter conduct the *Jahresberichte für die Geschichtswissenschaft*, in the place of Dr. J. Jastrow.

An index to the *Revue Historique* for the last five years is in preparation.

ANCIENT HISTORY.

The annual report of the Semitic Museum at Harvard University shows the addition during the past year of forty-three Babylonian clay tablets of the kind known as "contract tablets," twelve Babylonian-Assyrian stone seals, and an interesting inscribed alabaster tablet of the fourteenth century B.C., containing an inscription of sixty-five lines, recording the restoration of a temple at Asshur and calling down curses on any one who should ever injure the stone or tamper with the writing. In spite of this, several lines have been ground away, and the space has been written over again by a second hand.

The Vienna Academy of Sciences intends, upon the basis of extensive Austrian explorations and excavations, to publish a collection of the ancient inscriptions of Asia Minor. Vol. I., containing those of Lycia, is nearly ready for publication.

The Greek government has granted formal authority to the American School at Athens to conduct excavations at Corinth. These are to be entered upon at once and are expected to yield immediate and important results, the entire site of the city being a totally unexplored field and comparatively free from dwellings.

The Clarendon Press intend to publish *Revenue Laws of Ptolemy Philadelphus*, edited from a papyrus of the twenty-seventh year of that monarch's reign, obtained by Professor Flinders Petrie and Mr. B. P. Grenfell. The latter will edit the volume, supplying a translation, commentary, and appendices.

The imperial printing-office at Vienna has begun the publication of the Archduke Rainer's papyri, by issuing two volumes of legal documents, the one Greek, the other Coptic, the former (298 pp.) edited by Carl Wessely, the latter (225 pp.) by Jakob Krall.

O. Montelius has published (Berlin, Asher, 548 pp.) the first volume of his *La Civilisation primitive en Italie depuis l'Introduction des Métaux*, with 134 plates.

M. Carette's essay, *Les Assemblées Provinciales de la Gaule romaine* (Paris, Picard, 1895, 504 pp.), treats an interesting subject with much learning and skill.

Among recent dissertations in ancient history, separately published, may be noted: Ernst Windisch, *Ueber die Bedeutung des indischen Alterthums*, Leipzig (25 pp.); M. Wilbrand, *De rerum privatarum ante Solonis tempus in Attica statu*, Rostock (59 pp.); A. Mauri, *I Cittadini lavoratori dell' Attica nei secoli V e IV a. C.*, Bergamo (96 pp.); J. J. Binder, *Laurion: die attischen Bergwerke im Altertum*, Laibach (54 pp.); C. P. Burger, jr., *Roms Bündnisse mit fremden Staaten und der Latinerkrieg*, Amsterdam (36 pp.); V. Ferrenbach, *Die Amici Populi Romani republikanischer Zeit*, Strassburg (76 pp.); E. Kornemann, *Die historische Schriftstellerei des C. Asinius Pollio*, Leipzig.

Noteworthy articles in periodicals: H. Hirt, *Der Ackerbau der Indogermanen* (Indogermanische Forschungen, V. 5); D. G. Hogarth, *Nectanebo, Pharaoh and Magician* (English Historical Review, January); C. H. Toy, *The Pre-prophetic Religion of Israel* (New World, March); C. de Harlez, *La Religion Persane* (Muséon, 1895, 5); F. Blass, *Die sogenannte drakontische Verfassung* (Neue Jahrbücher für Philologie, 1895, 7); J. B. Bury, *The Battle of Marathon* (Classical Review, March); W. Schilling, *Die Schlacht bei Marathon* (Philologus, LIV. 2); G. E. Underhill, *Athens and the Peace of Antalcidas* (Classical Review, February); B.

Niese, *Der jüdische Historiker Josephus* (Historische Zeitschrift, LXXVI. 2); Ad. Schulten, *Die peregrinen Gaugemeinden des römischen Reichs* (Rheinisches Museum, L. 4); Th. Mommsen, *Die Geschichte der Todesstrafe im römischen Staate* (Cosmopolis, January); Marx, *Die "Ora Maritima" des Avienus* (Rheinisches Museum, L. 3).

EARLY CHURCH HISTORY.

A translation of Carl von Weizsäcker's *The Apostolic Age of the Christian Church*, made from the second revised edition by James Miller, is published in two volumes by G. P. Putnam's Sons.

The thirty-fifth volume of the *Corpus Scriptorum Ecclesiasticorum Latinorum* (Vienna, Tempsky, 493 pp.), one of the learned enterprises of the Vienna Academy, begins an edition of *Epistolæ Imperatorum, Pontificum, aliorum inde ab a. CCCLXVII usque ad a. DLIII datæ; Avelana quæ dicitur Collectio*, edited by Otto Günther.

Messrs. Longmans, Green and Co. issue a new edition, in six volumes, of the Count de Montalembert's *Monks of the West*, with an introduction on monastic constitutional history by Father F. A. Gasquet.

Noteworthy articles in periodicals: E. C. Butler, *Early Christian Literature* (Dublin Review, January); L. Guérin, *Étude sur le Fondement juridique des Persécutions dirigées contre les Chrétiens pendant les deux premiers Siècles de notre Ère* (Nouvelle Revue Historique de Droit Français et Étranger, XIX. 5); P. Allard, *La Situation Légale des Chrétiens pendant les deux premiers Siècles* (Revue des Questions Historiques, January); E. W. Brooks, *An Armenian Visitor to Jerusalem in the Seventh Century* (English Historical Review, January).

MEDIÆVAL HISTORY.

Partly by reason of the recent centenary of the death of Gibbon, a new edition of the *Decline and Fall of the Roman Empire* is to be brought out by Messrs. Macmillan and Co. It will consist of seven volumes, edited by Professor John B. Bury of Dublin. Vol. I. has already appeared.

The third section of Konrad Miller's *Die ältesten Weltkarten* deals with the smaller maps of the Middle Ages, chiefly those to be found as illustrations in manuscript treatises, and gives photographic reproductions of a large number (Stuttgart, Roth).

The Librairie Centrale des Beaux-Arts announces a work of great importance in the history of civilization, a *Histoire Générale des Arts appliqués à l'Industrie, du V^e Siècle à la Fin du XVIII^e*, in fifteen volumes, edited by E. Molinier. Part I. (*Ivoires*) has already appeared.

The latest issue in the Semitic series of the *Anecdota Oxoniensia* is the second part of the *Mediæval Jewish Chronicles and Chronological Notes*, edited by Mr. Ad. Neubauer.

The tenth volume of the *Bibliothèque de Carabas* is one upon the legend of Barlaam and Josaphat, edited by Mr. Joseph Jacobs.

The University of Pennsylvania has issued, as Vol. III., No. 1, of its Translations and Reprints, a brief collection of translated extracts from chronicles, etc., regarding the Fourth Crusade.

Messrs. Smith, Elder and Co. publish a new volume by Sir William Muir, entitled *The Mameluke or Slave Dynasty of Egypt*. Beside treating of the Mamelukes from 1260 to 1517, it also completes his history of the Abbaside Caliphate.

The Historische und Antiquarische Gesellschaft of Basel has begun the publication, in four volumes, of a series of studies and texts for the history of the Council of Basel (*Concilium Basiliense: Studien und Quellen zur Geschichte des Concils von Basel*). The first volume, edited by Julius Haller, is concerned with the years 1431-1437. The original journals of the proceedings have, after a long interval, been discovered.

Among recent dissertations in mediæval history, separately published, may be noted: W. Vietor, *Die northumbrischen Runensteine*, Marburg (50 pp.); T. Miller, *Place-names in the English Bede*, Strassburg (80 pp.); T. Lindner, *Die sogenannten Schenkungen Pippins, Karls des Grossen und Ottos I. an die Päpste*, Stuttgart (99 pp.).

Noteworthy articles in periodicals: D. Kaufmann, *Jewish Informers in the Middle Ages* (*Jewish Quarterly Review*, January); H. Hagenmeyer, *Le Procès des Templiers* (*Revue de l'Orient Latin*, 1895, 1); C. Piton, *À propos des Accusateurs des Templiers* (*Ibid.*, 1895, 3).

MODERN EUROPEAN HISTORY.

M. R. Rolland has published an important treatment of an interesting subject in his *Origines du Théâtre Lyrique Moderne, Histoire de l'Opéra en Europe avant Lully et Scarlatti* (Paris, Thorin).

The Jewish Publication Society of America has published (Philadelphia, 766 pp.) the fifth volume of its translation of Graetz's *History of the Jews*, extending from the Chmielnicki persecution, in Poland, 1648, to the year 1870. The sixth or supplementary volume will contain an index to the five volumes, maps, etc.

The firm of Spithoever at Rome has published two volumes (468, 514 pp.) of *Innocenti papæ XI. Epistolæ ad principes annis VI.-XIII.* (1681-1689).

So considerable a literature of articles in periodicals has grown up around Dr. Max Lehmann's *Friedrich der Grosse und der Ursprung des siebenjährigen Krieges* (Leipzig, Hirzel, 1894), that a list may be useful, even though some of the articles have already been before the public for several months: R. Koser, *Historische Zeitschrift*, LXXIV. 1; Wiegand,

Deutsche Litteraturzeitung, 1894, 51; Treusch von Buttlar, *Deutsche Wochenblatt*, 1895, 1; Bailleu, *Deutsche Rundschau*, February, 1895; Lehmann, *Göttinger Gelehrte Anzeigen*, February; Delbrück, *Preussische Jahrbücher*, February; Ullmann, *Deutsche Revue*, May; G. Winter, *Blätter für litterarische Unterhaltung*, 1895, 20; Herrmann and Prutz, *Forschungen zur brandenb. und preuss. Geschichte*, VIII.; Berner, *Mittheilungen zur historischen Litteratur*, XXIII.; R. Waddington, *Revue Historique*, May, July; Luckwaldt, *Preussische Jahrbücher*, August; Ferd. Wagner, *Friedrichs des Grossen Beziehungen zu Frankreich und der Beginn des siebenjährigen Krieges* (dissertation, 157 pp.), Hamburg, Seitz; Naudé, *Forschungen zur brandenb. und preuss. Geschichte*, VIII. 2.

A new series of documents casting light on the French Revolution has begun to appear at Turin (Bocca, Vol. I., 516 pp.), edited by M. Kovalevski, under the title of *I Dispacci degli Ambasciatori veneti alla Corte di Francia durante la Rivoluzione*. M. Aulard reviews this first volume in *La Révolution Française* for November.

M. Albert Vandal has just published the third and concluding volume of his *Napoléon et Alexandre*, which was crowned by the French Academy in 1893, and again in 1894 (Paris, Plon).

Two volumes of nineteenth-century history, by Professor Charles M. Andrews, of Bryn Mawr College, will be published this spring by Messrs. G. P. Putnam's Sons, under the title, *The Historical Development of Modern Europe from 1815 down to 1880*.

Documents useful to the student of the annus mirabilis 1870 are brought together in P. Schneider's *Fontes iuris ecclesiastici novissimi: Decreta et Canones sacrosancti œcumenici concilii Vaticani, una cum selectis Constitutionibus pontificiis aliisque Documentis ecclesiasticis* (Ratisbon, Pustet, 136 pp.).

Among recent dissertations in modern history, separately published, may be noted: K. Häbler, *Der hansisch-spanische Konflikt von 1416 und die älteren spanischen Bestände*, Dresden (93 pp.); M. J. Bonn, *Spaniens Niedergang während der Preisrevolution des XVI. Jahrhunderts*, Stuttgart (199 pp.); Ph. Kalkmann, *Englands Uebergang zur Goldwährung im XVIII. Jahrhundert*, Strassburg (140 pp.); K. G. Bockenheimer, *Die Mainzer Klubisten der Jahre 1792 und 1793*, Mainz; Freiherr von Helfert, *Gregor XVI. und Pius IX.*, 1845-1846, Prague (189 pp.); Mor. Ritter, *Leopold von Ranke*, Stuttgart (32 pp.); A. Dove, *Ranke und Sybel in ihrem Verhältniss zu König Max*, Munich (27 pp.).

Noteworthy articles in periodicals: W. A. Dunning, *Bodin on Sovereignty* (Political Science Quarterly, March); E. Pariset, *La "Société de la Révolution" de Londres dans ses Rapports avec Burke et l'Assemblée Constituante* (La Révolution Française, October); J. H. Rose, *Canning and Denmark in 1807* (English Historical Review, January); G. Cavaignac, *La Saisie de la Lettre de Stein en 1808* (Revue Historique, January); A.

Stern, *L'Origine du Decret de Proscription lancé par Napoléon contre Stein* (Revue Historique, March); F. Carry, *Le Vatican et le Quirinal*, 1870 (Le Correspondant, December); Sir Charles Dilke, *The Origin of the War of 1870* (Cosmopolis, January); Duc de Broglie, *La Mission de M. de Gontaut-Biron à Berlin*, IV. (Le Correspondant, — November); Marquis de Gabriac, *Souvenirs diplomatiques de Russie et d'Allemagne* (Revue des Deux-Mondes, January 1, 15; February 1).

GREAT BRITAIN AND IRELAND.

The latest issue by the Historical Manuscripts Commission (Fourteenth Report, Appendix, Part VIII.) presents calendars of the manuscripts in the possession of the corporations of Lincoln, Bury St. Edmunds, Hertford, and Great Grimsby, and of the Dean and Chapters of Worcester and Lichfield. The manuscripts of the city of Lincoln are especially interesting. Their series of royal charters begins with that of 1157. The registers of the acts of the corporation begin with 1421, and are particularly interesting for the sixteenth century. The documents reported upon at Bury St. Edmunds embrace not only those of the corporation but those of the charity feoffees, which include some of the abbey records. In examining the muniments of the Dean and Chapter of Lichfield, Mr. R. L. Poole discovered in the Registrum Album a new and hitherto unknown recension of the Chester Annals, older by three hundred years than the MS. used by Mr. R. C. Christie for his edition of the *Annales Cestrienses*, and a copy of the annals of Burton, a century older than that used for the *Annales Monastici* in the Rolls Series. Both present additional entries as well as an earlier text.

It is decided at Oxford that Ford's lecturer in English history shall be appointed for one year only and shall give not less than six lectures. It is understood that Sir James H. Ramsay, author of *Lancaster and York*, is a candidate.

In the 45th volume of the *Dictionary of National Biography* (Pereira to Pockrich) the most notable articles are those on Chatham and Pitt, the former by Mr. G. F. Russell Barker (who also writes the article on Shelburne), the latter by the Rev. Wm. Hunt. Lord Edmond Fitzmaurice deals with Sir William Petty.

The January number of the *Revue des Questions Historiques* contains a summary review of English publications respecting history issued during 1894 and 1895, by M. Alfred Spont.

The Court of Common Council, at a meeting in December, resolved that the records of the City of London should be printed *in extenso* and published, with full indexes and with such translations and notes as may be necessary, but without introductions. One or two volumes will probably be printed each year. A beginning will be made with the series of letter books A 1, from which extracts were published in Riley's *Memorials*.

The town of Northampton has issued, in a limited edition of one hundred copies, *Liber Custumarum: the Book of the Ancient Usages and Customes of the Town of Northampton, from the Earliest Record to 1448*. The book is a *verbatim et literatim* reproduction of the original manuscript, and is edited by Mr. Christopher A. Markham.

The Selden Society's volume for 1895 (Dr. Gross's selections from the coroner's rolls) is now issued. The volume for 1896 will be *Select Cases in Chancery from the Time of Richard II*.

The Cambridge University Press announces *The Rising in East Anglia in 1381*, with an appendix containing the Suffolk poll-tax lists for that year, by Edgar Powell.

A volume at Worcester containing a journal and accounts of William More, prior of the cathedral church, chiefly from 1513 to 1534, has been copied, and is to be published by the Early English Text Society under the editorship of Mr. Littlehales.

Mr. W. St. John Hope is preparing an elaborate work on the *Corporation Plate and Insignia of England and Wales*.

Mr. Julian Corbett has been engaged by the Navy Records Society to edit all the state papers which treat of the naval preparations in England during the years immediately preceding the Spanish invasion of 1588.

The Scottish History Society has issued, as Vol. XVIII. of its Publications, a volume entitled *Scotland and the Commonwealth: Letters and Papers relating to the Military Government of Scotland, August 1651–December 1653*, edited with an introduction and notes by C. H. Firth (Edinburgh, University Press, lv, 383 pp.).

The new edition of Pepys's *Diary*, edited by Mr. H. B. Wheatley, will be completed in nine volumes; the ninth volume will be supplementary in its nature, and will contain various appendices and a copious index.

✓ The Public Record Office has issued the first volume of its *Calendar of State Papers, Domestic, of the Reign of William and Mary*. It extends from February 13, 1689, to April, 1690, and is edited by Mr. John Hardy, F.S.A.

The Navy Records Society will shortly publish Holland's *Navy Discourses* (of the middle of the seventeenth century) and the *Journal of Rear-Admiral James* during the wars of American Independence and the French Revolution. The latter contains, among other things, a most interesting description of life in Maine and a vivid account of the barbarities committed in New York by the British army.

Messrs. Macmillan and Co. announce a *History of the Post-Office Packet Service between the Years 1793 and 1815*, compiled from records, chiefly official, by Arthur H. Norway.

The memoirs and despatches of Sir Arthur Paget, brother of the first Marquis of Anglesey, are to be published this spring. Sir Arthur Paget was British envoy at various Continental courts during the Revolutionary and Napoleonic period. The volumes will be edited by his son, Sir Augustus Paget.

Messrs. P. S. King and Son propose to publish, in four royal octavo volumes, a general index to the third series of *Hansard's Parliamentary Debates*, covering the period from 1831 to 1891, and furnishing guidance to a series of 356 volumes.

Noteworthy articles in periodicals: F. W. Maitland, *The Origin of the Borough* (English Historical Review, January); F. Baring, *Domesday Book and the Burton Cartulary* (English Historical Review, January); Rev. A. Snow, *The Lollards* (Dublin Review, January); M. Oppenheim, *The Navy of the Commonwealth, 1649-1660* (English Historical Review, January); *The Diarists of the Restoration* (Quarterly Review, January); W. Bliss, *The Duke of Marlborough's Letters at the Hague* (English Historical Review, January); A. T. Mahan, *Nelson at Cape St. Vincent* (The Century, February); *The Reign of the Queen* (Edinburgh Review, January).

FRANCE.

The life, character, and works of Victor Duruy were treated by M. Jules Lemaître in his *discours de réception* at the Académie Française on January 16.

Upon the occasion of the fourteen-hundredth anniversary of the baptism of Clovis, the most eminent Catholic historical writers of France have united in the publication of a volume entitled *La France Chrétienne dans l'Histoire* (Paris, Firmin-Didot, 1896, 700 pp.) a work of high value as presenting, from the point of view of the best Catholic scholarship, the history of Christianity in France and the part played by the Church in French history. The book is reviewed in the *Revue Historique* for March (pp. 385-390) and in the *Revue des Questions Historiques* for January (pp. 201-218).

Le Moyen Age began recently the publication of a systematic bibliography of the works appearing each year in the field of French mediæval history, prepared by A. Vidier, a student at the École des Chartes. The list for 1894, comprising 3347 titles, has now been completed and issued in separate form under the name of *Répertoire Méthodique du Moyen Age Français; Histoire, Littérature, Beaux-Arts* (Paris, E. Bouillon, 118 pp.).

The new edition of the *Lectures Historiques* of M. Charles V. Langlois, covering the period between 395 and 1270, is designed for the *classe de troisième* in French *lycées*, but it will be useful to a much wider circle of students because of the admirable bibliographies prefixed to each chapter.

M. Ch. Bémont has brought out a supplement to the volume of *Rôles Gascons* published by M. Francisque Michel in 1885. The supplementary

volume (Collection des Documents Inédits, 1896) contains additional rolls, *temp.* Hen. III, indexes, and an introduction presenting a detailed study of these rolls.

M. H. de la Ferrière's edition of the letters of Catherine de' Medici is advanced by the publication of the fifth volume (1574-1577); M. de Boislisle's Saint-Simon by the addition of Vol. XI. (1703).

The eighth volume of the *Correspondance de Mazarin*, edited by the Vicomte G. d'Avenel, covers the very important period from July 1, 1657, to August 15, 1658.

Prince Lobanoff is about to publish a work, the fruit of long-continued researches, entitled *La Dictionnaire des Émigrés*, in which documentary evidence will be furnished respecting nearly thirteen thousand families who fled at the time of the Revolution, and respecting their subsequent fortunes.

Commandant Rousset completes his *Histoire Générale de la Guerre Franco-allemande* with Vols. V. and VI., the one relating to the campaign of the North, the other to that of the East.

Mr. Charles Chesnelong, who in 1873 conducted at Salzburg the negotiations of the monarchical party of the Assembly with the Count de Chambord, has published a highly interesting and important account of the episode in his *La Campagne monarchique d'Octobre 1873* (Paris, Plon, 1895, 555 pp.).

The Ministry of Foreign Affairs brings nearly to date its *Recueil des Traiés de la France*. Vol. XIX., edited by J. de Clercq, covers the years 1891-1893 (Paris, Pedone).

Noteworthy articles in periodicals: Imbart de la Tour, *Les Paroisses rurales dans l'ancienne France, du IV^e au XI^e Siècle* (Revue Historique, March); C. V. Langlois, *Notices et Documents relatifs à l'Histoire de France au Temps de Philippe le Bel* (ibid.); P. Viollet, *Comment les Femmes ont été exclues, en France, de la Succession à la Couronne* (Mémoires de l'Académie des Sciences Morales et Politiques, XXXIV.); Abbé A. Breuils, *Jean I., Comte d'Armagnac* (Revue des Questions Historiques, January); G. Salles, *Les Origines des premiers Consuls de la Nation française* (Revue d'Histoire Diplomatique, IX. 4); B. W. Wells, *The French Renaissance* (Sewanee Review, February); P. de Maulde, *Jean-Jacques Trivulce* (Revue Historique, March); G. Hanotaux, *Le premier Ministère de Richelieu* (Revue des Deux-Mondes, January 1, February 1); *The Princes of the House of Condé* (Edinburgh Review, January); H. M. Baird, *The Issue of Lettres de Cachet in Blank* (Nation, December 19); C. Morisot-Thibault, *Du premier Essai de la Division des Pouvoirs en France* (Revue du Droit Public, January); W. M. Sloane, *The Life of Napoleon Bonaparte* (The Century, — March); Ém. Ollivier, *Le Prince Louis Napoléon* (Revue des Deux-Mondes, December 15, January 15); *Marshal Canrobert* (Edinburgh Review, January).

ITALY, SPAIN, PORTUGAL.

A new historical review, devoted especially to the period of Italian history extending from 1789 to 1870, has been started at Turin, under the title *Rivista Storica del Risorgimento Italiano*. The editor is Benjamin Manzone, and the publishers Messrs. Roux, Frassati and Co. The general plan is closely similar to that of this review, and the table of contents of the first number is inviting.

The January number of the *Revue des Questions Historiques* contains a careful account of Italian publications issued during 1894 and 1895, and having reference to ancient history and the history of literature, prepared by L. G. Péliissier. Those relating to mediæval and modern history will be dealt with in the next number.

Beginning with its December number, the *Revista Crítica de Historia y Literatura Españolas* takes on the enlarged title of *Revista Crítica de Historia y Literatura Españolas, Portuguesas é Hispano-Americanas*. The plan is unchanged.

The March number of the *Revue Historique* contains a summary review of the Spanish historical publications of 1894, by Señor Rafael Altamira.

Vol. CXII. of the *Colección de Documentos inéditos para la Historia de España* (Madrid, 1895, 513 pp.) relates to the Hermandad of Cordova with Jaen, Baeza, Ubeda, Andújar, Arjona, etc., in the time of the infante Don Sancho. The editor is the Marquis de la Fuensanta del Valle.

The Verein für Reformationsgeschichte has engaged Dr. W. F. Tilton to write for it a small volume on the history of the Spanish Armada.

Preparations are making at Lisbon for an extensive celebration in 1897 of the fourth centenary of the departure from that city, on July 8, 1497, of the famous expedition to India commanded by Vasco da Gama. The celebration will include exhibitions, congresses, and the publication of literary and scientific works. The project, originated by the Geographical Society of Lisbon, will be elaborated by a commission presided over by the King of Portugal.

Noteworthy articles in periodicals: J. B. Bury, *Italy under the Lombards* (Scottish Review, January); R. da Costa, *Historias da Relações diplomaticas de Portugal no Oriente* (Boletim da Sociedade de Geographia de Lisboa, XIII. 12); Comte J. du Hamel de Breuil, *Carvalho, marquis de Pombal* (Revue Historique, January, March).

GERMANY, AUSTRIA, SWITZERLAND.

An historical commission for the kingdom of Saxony, on the model of those of Bavaria and Baden, is about to be established with an annual grant of ten thousand marks. It is expected that the Commission of Baden will,

during 1896, publish, among other continuations of its various undertakings, the conclusion of Vol. III. of the *Codex Diplomaticus Salemitanus*, the fourth volume of the Political Correspondence of Karl Friedrich of Baden, and a volume of documents illustrating the commercial intercourse, during the Middle Ages, of the towns of upper Italy with those of the upper Rhine.

Vol. LXIII. of the *Publikationen aus den königl. preussischen Staatsarchiven* (Leipzig, Hirzel) is part two of the portion dealing with the history of Hanover and Brunswick from 1648 to 1714, and is edited by A. Köcher.

Highly important additions to the general knowledge of the history of Prussian and German affairs in the years 1860-1863 are made by the continuation of the memoirs of Th. von Bernhardt, *Die ersten Regierungsjahre König Wilhelms I.* (Leipzig, Hirzel.)

Von Poschinger's *Fürst Bismarck und die Parlamentarier* and *Fürst Bismarck, Neue Tischgespräche und Interviews* supply the materials for a collection in English of *Bismarck's Table-Talk*, edited with an introduction and notes by Charles Lowe (Philadelphia, J. B. Lippincott Co., 387 pp.).

The latest addition to the Heeren and Ukert series, *Geschichte der europäischen Staaten*, is the fifth volume of Alfred Huber's history of Austria, extending from 1609 to 1648.

Dr. Reinhold Koser has succeeded Von Sybel as director of the Prussian Archives.

The Archdukes Albrecht and Wilhelm have caused the publication, in a series of six volumes recently completed, of the papers of their father, the Archduke Charles, the opponent of Napoleon (*Ausgewählte Schriften des Erzherzogs Karl von Oesterreich*). They have also caused the preparation of an extensive life of him, by H. von Zeissberg, of which we now have the first two volumes, covering the period from his birth in 1771 to the beginning of 1796.

The Swiss government has issued the fifth volume of its *Amtliche Sammlung der Acten aus der Zeit der helvetischen Republik*, ed. Joh. Strickler (Basel, Geering, 1548 pp.), progressing from October, 1799, to August 8, 1800.

Noteworthy articles in periodicals: C. Thümmel, *Das Einlager der alldeutschen Rechtsgeschichte* (Zeitschrift für die Kulturgeschichte, III. 1); Naudé, *Beiträge zur Entstehungsgeschichte des siebenjährigen Krieges* (Forschungen zur brandenb. und preuss. Geschichte, VIII. 2); M. Lehmann, *Fichte's Reden an die deutsche Nation vor der preussischen Censur* (Preussische Jahrbücher, December); P. Bigelow, *The German Struggle for Liberty* (Harper's Magazine, — March); H. von Treitschke, *Das Gefecht von Eckernförde 1849* (Historische Zeitschrift, LXXVI. 2); G. Steinhausen, *Gustav Freytags Bedeutung für die Geschichtswissenschaft* (Zeitschrift für die Kulturgeschichte, III. 1).

NETHERLANDS AND BELGIUM.

The merchant-guilds of the Low Countries have been made the subject of a careful study by H. Vander Linden, *Les Gildes Marchandes dans les Pays-Bas au Moyen Âge* (Ghent, Engelcke, 136 pp.).

Noteworthy articles in periodicals: W. Preger, *Beiträge zur Geschichte der religiösen Bewegung in den Niederlanden im zweiten Hälfte der XIV. Jahrhundert* (Abh. hist. Cl. Bayer. Akad. Wiss., XXI. 1); P. Pouillet, *Les premières Années du Royaume des Pays-Bas* (Revue Générale de Belgique, 1895, 12); N. D. Doedes, "Vermakelijke" Nederlandsche Geschiedenis [Douglas Campbell *et als.*] (De Gids, December).

NORTHERN AND EASTERN EUROPE.

Dr. Bernhard Lundstedt, of the Royal Library at Stockholm, has begun the issue of an exceptionally excellent bibliography of Swedish periodical publications (*Sveriges Periodiska Litteratur: Bibliografi, enligt Publicistklubbens uppdrag utarbetat af Bernhard Lundstedt*). The first volume covers the period from 1645 to 1812, and lists 425 different publications of that period.

The Swedish government has published the third and fourth parts of Vol. III. of its great collection of treaties and negotiations with foreign powers, *Sveriges Traktater med främmande Magter*, covering the period from 1409 to 1520.

In the *Revue des Questions Historiques* for January M. E. Beauvois gives a summary review of the Danish historical publications of 1894.

The Hungarian nation will this year commemorate, by historical exhibitions and otherwise, the millennium of their occupation of Hungary.

A book of indispensable importance to students of Roumanian history is G. Bengesco's *Bibliographie Franco-roumaine du XIV^e Siècle*, which is intended to include all French publications relating to Roumania and all French publications by Roumanians printed or published in France. Vol. I. has appeared.

AMERICA.

The second volume of the *Report of the Commissioner of Education for the Year 1892-1893*, just published, contains some two hundred pages of documents and other historical matter illustrative of American educational history.

It is understood that the trustees of the consolidated New York Library have declined the offer made to them respecting the purchase of the books relating to the history of the Pacific Coast, collected by Mr. Hubert Howe Bancroft of San Francisco.

The federal government has issued, in an abundantly illustrated volume of 411 pages, the *Report of the United States Commission to the Columbian Historical Exposition at Madrid, 1892-1893*. The Commissioner-General, Rear-Admiral Luce, gives a history of the participation of the United States in the exposition, which is followed by the report of the other commissioner, Dr. Daniel G. Brinton, upon the collections exhibited there. A catalogue and description of the objects sent from the United States is also given. The report of Mr. W. E. Curtis, assistant in charge of the historical section of the American exhibit, is chiefly devoted to an elaborate account of the collection of portraits of Columbus, gathered together by him, and of other memorials of the discoverer. Cuts representing most of these pictures, statues, and monuments are given. Four monographs follow: on the Hemenway collection, by Dr. J. Walter Fewkes; on ancient Mexican feather-work, by Mrs. Zelia Nuttall; on ancient Central and South American pottery, by Dr. Walter Hough; and on chipped stone implements, by H. C. Mercer.

In the series of Johns Hopkins University Studies in Historical and Political Science the latest issues (XIII. 11-12, XIV. 1, and XIV. 2) are the following: *Government and Religion of the Virginia Indians*, by Samuel R. Hendren; *Constitutional History of Hawaii*, by Henry E. Chambers; and *The City Government of Baltimore*, by Thaddeus P. Thomas.

The American Catholic Historical Society has arranged with the Rev. Ferdinand Kittell, of Pittsburgh, to go to Rome and copy for the Society in the library and archives of the Vatican such new matter as he may find pertaining to the history of the Catholic Church in America.

The Leland Stanford Junior University issues, as the second of its monographs in the field of history and economics, a paper of 162 pages on the *Official Relations between the United States and the Sioux Indians*, by Lucy E. Textor. A preliminary chapter gives an outline of the history of the policy of the United States government with regard to the Indians generally. Succeeding chapters treat of the history of its especial relations with the Sioux from 1803 to the present time. The narrative is a plain and sober one, well founded on public documents, and confining itself quite closely to the field of administrative relations. The monograph, though not brilliant, is careful and instructive.

General Charles Hamlin and his son, Mr. Charles E. Hamlin, are collecting data and making other preparations for an extended biography of the late Vice-President Hannibal Hamlin.

Mr. Appleton P. C. Griffin, who may be addressed at the Boston Athenæum, has issued in a limited edition a *Bibliography of the Historical Publications issued by the New England States*, reprinted from the third volume of the publications of the Colonial Society of Massachusetts. The bibliography is in reality confined in each case to the one extensive series of volumes of historical records issued by the state. It gives in great

filiness the list of the contents of each volume, and is therefore a most useful little manual for the student of New England history. It is apparently highly accurate. The introduction gives a brief history of each of these state publications, with some information respecting analogous publications of other states.

The twenty-sixth volume of the *New Hampshire State Papers*, edited by Mr. Albert S. Batchellor, is a third volume of Town Charters (Concord, The State, 792 pp.). It consists of transcripts of the charters of townships and minor grants of lands made by the provincial government of New Hampshire within the present boundaries of the state of Vermont from 1749 to 1764, with an appendix containing the petitions to King George III. in 1766 by the proprietors and settlers under the New Hampshire Grants, and lists of the subscribers. It also contains historical and bibliographical notes relative to the towns in Vermont, by Hon. Hiram A. Huse, librarian of that state. It thus furnishes a body of material of much importance to the history of two or three states. Vol. XXVII. is now in press and nearly done. It will consist of the charters, plans, and other town papers of those towns granted by the Masonian Proprietors, alphabetically arranged, from A to M inclusive. Vol. XXVIII. will conclude this subject, after which attention will be given to the general records and papers of the Masonian Proprietors and to the earliest provincial laws.

The New Hampshire Historical Society has recently received a set of 308 maps published by Hermann Moll, London, 1711. Since the enlargement of its rooms, the Society has inaugurated monthly meetings for the reading of historical papers. An improved classification and arrangement of the library has already begun.

Mr. Robert T. Swan, Commissioner of Public Records of the State of Massachusetts, has issued his eighth annual *Report on the Custody and Condition of the Public Records of Parishes, Towns, and Counties*. It is characterized by the same excellences which have marked its predecessors, and forms a record of zealous and useful work worthy to be an example and incentive to other states. A distinctive feature of the present issue is the attention which it pays to proprietors' records.

The Record Commissioners of Boston have issued their twenty-sixth report. It is a continuation of the eighteenth, and contains the proceedings of the town from 1778 to the end of the year 1783.

Mr. Sidney S. Rider, of Providence, has issued in an elaborate edition, limited to 100 copies, the *Laws and Acts of Her Majesties Colony of Rhode Island and Providence Plantations, made from the First Settlement in 1636 to 1705*, commonly called the laws of 1705. This digest, though prepared for printing in 1705, by order of the General Assembly, has never before been printed, the earliest printed digest being that of 1719. It is needless to point out the importance of such a collection to the early history of the colony. Mr. Rider has prefixed a historical introduction; then follow the

120 pages of the original manuscript, reproduced in photographic fac-simile, and then a copy of the whole in plain Roman type, with an index.

In the January number of the Publications of the Rhode Island Historical Society, Mr. Henry C. Dorr continues his valuable monograph on the Proprietors of Providence, and their controversies with the freeholders.

Mr. Edward Field, one of the Record Commissioners of Providence, has published, through Messrs. Preston and Rounds, a little volume of *Tax Lists of the Town of Providence during the Administration of Sir Edmund Andros and his Council*, 1686 to 1689, containing also a list of polls for 1688, and the tax laws enacted by Andros and his Council. The edition is limited.

The second volume of the *Public Records of the State of Connecticut*, edited by Dr. Charles J. Hoadly, State Librarian, comprises the record of eight sessions of the General Assembly, between May, 1778, and May, 1780, together with the records of the Council of Safety for the same period. The appendix contains the proceedings of the Hartford Convention, of October, 1779, intended to regulate currency and prices, and those of the similar convention at Philadelphia in January, 1780. The former has been obtained from the archives of Rhode Island, the latter from those of Massachusetts. It is expected that the appendix to Vol. III. will contain the journals of the similar conventions held at Boston, Hartford, and Providence in 1780 and 1781.

At the annual meeting of the New York Historical Society, January 7, Mr. John A. King was elected president, Messrs. J. Pierpont Morgan and John S. Kennedy, vice-presidents, and Mr. William Kelby, librarian. The report of the treasurer showed a total of \$86,000 to the credit of the Society. The librarian's report showed an increase during the year of 3675 volumes of books, nearly 3000 pamphlets, 166 bound volumes of newspapers, and a considerable number of manuscripts, maps, etc.

The New York Society of the Colonial Dames of America has obtained permission from the authorities at Albany to collect, catalogue, and publish a certain body of the old wills preserved in the offices of the Court of Appeals.

The second number of the *Bulletin* of the Yonkers Historical and Library Association is devoted to the Philipse Manor Hall, and to a series of addresses made in support of movements for its more perfect preservation.

It is proposed to effect a gradual restoration of the historic buildings in "State House Row," Philadelphia. The Senate Chamber in Congress Hall is now being restored, under the auspices of the Society of Colonial Dames in Pennsylvania, as nearly as possible to its condition during the time of its occupancy by the United States Senate. The Daughters of the American Revolution are meantime to restore certain portions of Independence Hall to their original condition.

An interesting letter of William Penn to the first Duke of Ormonde, dated Philadelphia, January 9, 1683 $\frac{1}{4}$, is printed in the *Academy* for January 11.

Mr. Aksel G. S. Josephson, of the John Crerar Library, Chicago, is preparing an extensive bibliography of New Sweden, which will be printed in parts in *Sammlaren*, the organ of the Swedish Literary Society in Upsala, and later in an English edition by the American Historical Association. The material relating to books printed previously to 1701 is now nearly completed, and that for the ensuing century is well in hand. The bibliography is expected to extend to the present time, and to include not only titles relating to the old Swedish colony proper, but also such as refer to the descendants of the Swedes on the Delaware and the local history of that region, in so far as it relates to the Swedish population.

Professor William P. Trent, of the University of the South, has reprinted from the *Vanderbilt Observer*, in a small pamphlet, an interesting and suggestive address on the study of Southern history, delivered recently before the Vanderbilt Southern History Society.

The Maryland Historical Society has just issued in its series of the *Archives of Maryland*, published by state authority, the third volume of the Correspondence of Governor Horatio Sharpe.

The January number of the *Virginia Magazine of History and Biography* contains a report of Lord Culpepper respecting Virginia in 1683, the Defence of Colonel Edward Hill (undated), a continuation of the letters of William Fitzhugh, and of Mr. Stanard's abstracts of Virginia land-patents. Among the minor matters, one of the most interesting is an account of a burning for petty treason.

The *William and Mary College Quarterly Historical Magazine* contains, in its January number, many documents and other matter interesting to the student of Virginian history. The non-Virginian reader will perhaps regard as most interesting the letters which Mr. Tyler has extracted from several county record books, his continuation of the reprint of the Journals of the meetings of the President and Masters of William and Mary College, and his exposure of the ancient myth respecting the tombstone of William Herris, often reputed to bear the date 1608, and to be the oldest tombstone in English America. Its date is 1698.

The North Carolina Society of the Sons of the Revolution is considering the publication of a new edition of J. S. Jones's *Revolutionary Defence of North Carolina*.

The General Assembly of Tennessee has made a grant to the Peabody Normal College for the establishment and maintenance of a chair of American History. One of the objects stated is historical publication. Upon this basis a magazine has been inaugurated in which, with the co-operation of the Tennessee Historical Society, the new professor, Dr. W.

R. Garrett, intends to publish original matter relating to the history of Tennessee and to other portions of American history. He has unfortunately chosen to give to this laudable local enterprise the pretentious and misleading title of *The American Historical Magazine*. If published as distinctively a magazine of Tennessee history, it would command general respect; for while in the first number (January, 1896) whatever relates to matters outside the borders of that state is of little or no value, the issue contains much interesting and valuable material relating to the early history of Tennessee. Such are, two accounts of the battle of King's Mountain, the one by an eye-witness, the other by an early inquirer; the Rev. Samuel Houston's proposed constitution for the state of Frankland, 1785, now for the first time reprinted in full from a perfect copy discovered in 1879; and an interesting body of selections from the correspondence of General James Robertson, extending from 1784 to 1790.

The printed report of the trustees of the Illinois State Historical Library, an institution founded by the state in 1889, shows a development gratifying indeed, but small in proportion to what should be done by so great and rich a state. The principal accession of unprinted material noted in the present report is that of a body of original muster-rolls and other records of the Black Hawk War.

The Chicago Historical Society will soon open to the public its new building at 140 Dearborn Avenue. The new house is a handsome roman-esque building of granite, and will contain the Society's library of 65,000 volumes, a reading-room, and a room of historic relics and works of art. The property of the Society is reported as \$64,000.

The Wisconsin Historical Society's annual report for 1895 has just been issued. Beside the usual full details of the Society's work, three important historical papers are printed: Radisson's Journal: its Value in History, by Henry C. Campbell; A Study of Antislavery Agitation in Wisconsin, with especial reference to the Booth case, by Vroman Mason; and a monograph on Early Bank Legislation in Wisconsin, by William W. Wight. Twenty years ago the library of an Amsterdam clergyman, R. J. van der Meulin, fell to the Society. It is rich in works relative to Dutch colonies in South America, and the Venezuela Commission have a translator and draughtsman working for them in the library at Madison.

Fifteen historical students at Milwaukee organized in December the Parkman Club, the objects of which are the study of Northwestern history, and the publication of the papers read at the meetings of the club. The litter will be issued in ten monthly pamphlets in each year, pagged for an annual volume. The first issue is a paper on Nicholas Perrot, by Mr. Gardner P. Stickney, and is a readable account of the life of that explorer and adventurer. The absence of accents in all the French names or words printed in the pamphlet seems extraordinary. The second paper is one by Mr. Henry C. Campbell, on the Exploration of Lake Superior.

Mr. J. N. Davidson, of Milwaukee, has published a volume of studies in the history of the region between Lake Michigan and the Mississippi, under the title *In Unnamed Wisconsin* (Milwaukee, H. E. Haferkorn, 307 pp.).

Dr. B. F. Shambaugh, instructor in the State University of Iowa, has begun the publication, through the State Historical Society at Iowa City, of a series of pamphlets entitled *Documentary Material relating to the History of Iowa*. It were much to be wished that some such collection were accessible to students of the history of each one of the Western states. The three numbers thus far published contain the fundamental documents respecting the acquisition and organization of Louisiana and those acts of Congress and of territorial legislatures which, relating to the territories of Louisiana, Missouri, Indiana, and Michigan, lie at the basis of the constitutional history of Iowa. Care has been expended upon the editing, which has been done with good judgment and completeness; but there are not a few typographical errors.

The January number of the *Annals of Iowa* is chiefly marked by three biographical articles, relating respectively to the Hon. Josiah B. Grinnell, General John M. Corse and the now famous Sergeant Charles Floyd.

The annual meeting of the Minnesota Historical Society on January 13 was made notable by a series of papers relating chiefly to the history of Minnesota as a territory, and written by persons all of whom were pioneers in the early settlement of the territory and state.

The ninth biennial report of the Board of Directors of the Kansas State Historical Society covers the years 1893 and 1894 and in part the year 1895. The Library is reported as having grown to nearly 16,000 bound volumes of books, 50,000 unbound volumes and pamphlets, and 16,000 bound volumes of newspapers and periodicals. Of the newspapers and periodicals, a catalogue extending to sixty pages is appended. The collection of Kansas newspapers is an extraordinary one already, numbering nearly 11,000 volumes, while nearly 800 are currently received at present, the gift of the various publishers. The legislature of 1895 provided a permanent home for the Society and its library in the State Capitol. Of manuscript gifts to the Society the most important was that received from Mr. Orville C. Brown of Adams, N.Y., the chief founder of Osawatomie. Next in importance are the voluminous records and papers bestowed by the Kansas Baptists, whose state convention has in this laudable action followed the example of the two Methodist conferences. The Society has recently celebrated its twentieth anniversary.

The Nebraska State Historical Society is upon the point of issuing a new volume of its *Proceedings* (Series II., Vol. I.). The town records of the village of Fontenelle, one of the earliest settlements in the state, will appear in Vol. II.

Dr. Douglas Brymner's *Report on Canadian Archives* for 1895, just issued, presents calendars of papers relating to Prince Edward Island from

1763 to 1801, New Brunswick from 1784 to 1801, Cape Breton from 1764 to 1801, and Hudson's Bay from 1673 to 1759. It also includes papers relating to Sable Island, and the French (now first printed) and English of Radisson's relation of his journeys of 1682-1683 and 1684.

The series entitled "The Story of the Nations" will be enlarged by a book on *The Story of Canada*, by Dr. John G. Bourinot, which will present the history of Canada from the discovery by Cartier to the establishment of the Confederation.

The Nova Scotia Historical Society has published, as Vol. VIII. of its Collections, a revised and augmented edition of the *History of Halifax City*, by the late Dr. Thomas D. Akins. The ninth volume (Halifax, Nova Scotia Printing Co., 207 pp.) contains a list of papers read before the Society since its foundation, a general index to the papers printed in the volumes of Collections, a paper by the Rev. M. Harvey of Newfoundland on the voyages and discoveries of the Cabots, an account of Attorney-General R. J. Uniacke, by Hon. L. G. Power, and a historical sketch of Louisbourg by J. K. Edwards.

Messrs. G. P. Putnam's Sons will soon publish an historical book on *The West Indies and the Spanish Main*, by Mr. James Rodway of British Guiana.

The Chilean government has brought out (Santiago de Chile, 1895, 485 pp.) the seventh volume of its *Colección de Documentos inéditos para la Historia de Chile*. Like its predecessor, it relates to Almagro and his companions.

The November number of the *Boletín* of the Real Academia de la Historia is chiefly occupied with an article by A. M. Fabié on the life and writings of Father Luis de Valdivia, the Jesuit whose labors were so valuable to the early development of Chile.

Noteworthy articles in periodicals (Period before 1607): I. Vidart, *Don Fernando el Católico y el Descubrimiento de America* (Boletín de la Real Academia de la Historia, September); F. W. Blackmar, *The Conquest of New Spain* (Agora, January); E. F. Ware, *Coronado's March* (Agora, January); B. Moses, *The Early Political Organization of Mexico*, II. (Yale Review, February);

(Colonial): J. A. Davis, *Beginning of the American Presbyterian Church* (Presbyterian and Reformed Review, January); P. Barré, *La Formation territoriale et les Litiges des Frontières des États américaines* (Revue de Géographie, November); M. L. Fay, *Sir Edmund Andros* (New England Magazine, March); Woodrow Wilson, *In Washington's Day* (Harper's Monthly Magazine, January); id., *Colonel Washington* (ibid., March); H. B. Adams, *Lord Amherst* (New England Magazine, February); René de Kerallain, *La Perte du Canada* (Revue Historique, January); W. H. Bailey, *The Regulators of North Carolina* (American Historical Register, — January);

(Revolutionary,—1789): W. C. Ford, *Defences of Philadelphia in 1777* (Pennsylvania Magazine of History, January); C. W. Mixter, *Protest against the Evils of the Depreciated Continental Currency, 1781* (Quarterly Journal of Economics, January); George C. Mason, *Congress Hall, Philadelphia* (American Historical Register, March); W. S. Baker, *Washington after the Revolution, 1784-1799* (Pennsylvania Magazine of History, January);

(Period from 1789 to 1861): P. L. Ford, *Jefferson's Drafts of the Kentucky Resolutions of 1798* (Nation, February 20); L. R. Harley, *Fries's Rebellion* (American Historical Register, March); P. Bouldin, *John Randolph of Roanoke* (The Century, March); *Letters of Elbridge Gerry* (New England Historical and Genealogical Register, January); *Journal of Surgeon A. A. Evans on Board the "Constitution," 1812* (Pennsylvania Magazine of History, January); *Lafayette's Visit to the United States in 1824-1825* (American Historical Register, — March); J. B. Moore, *The Monroe Doctrine* (Political Science Quarterly, March);

(Period since 1861): E. B. Andrews, *A History of the Last Quarter-Century in the United States* (Scribner's Magazine, — March); F. Bancroft, *The French in Mexico* (Political Science Quarterly, March); L. M. Keasbey, *The Nicaragua Canal and the Monroe Doctrine* (Annals of the American Academy of Political and Social Science, January).

The
American Historical Review

HOTMAN AND THE "FRANCO-GALLIA"

"AS long as the world remains a world," quaintly observes Pierre Bayle, "there will everywhere be ambulatory doctrines dependent on times and places,—true birds of passage which are in one country during the summer and in another during the winter,—wandering lights that, like the Cartesian comets, illuminate successively several vortices."¹

The words of the great critic were uttered with primary reference to the doctrine of the passive obedience due by subjects to their prince and to the attitude of the Huguenots, and especially of their foremost writer on jurisprudence, François Hotman, to that doctrine. For it cannot be denied that the history of the Huguenots, even more than the life of Hotman himself, gave point to the caustic observation.

Great propositions, whether political, social, or religious, are rarely formulated in advance of the necessity, supposed or real, that demands their announcement to the world. They are for the most part the challenge of an accepted error, a gauntlet thrown down for any of the champions of the error to pick up.

The first advocates of the reformatory movement in France had no reason to call in question the absolute right of kings to command their subjects, and the absolute duty of obedience on the part of subjects, save on one point—the religious convictions, the conscience. They were, indeed, from the very start, accused of a tendency to innovation, not less in state than in church; and although they indignantly denied the charge, their enemies made all the capital possible out of it. It will be remembered that a papal nuncio is said on one occasion to have made this a powerful and effective argument to stop forever the half-

¹ *Dictionnaire Historique et Critique*, article *Hotman*.

formed, or, at least, half-expressed intention of Francis I. to imitate the example of a change of religion lately given him by Henry VIII. beyond the British Channel. "Sire," he retorted, to the monarch's petulant threat, "to speak with all frankness, you would be the first to repent your rash step. Your loss would be greater than the pope's; for a new religion established in the midst of a people involves nothing short of a change of prince." The king, we are given to understand, believed the prelate's assertion, and, to the end of his life, looked with suspicion upon the reformers as covert revolutionists.¹

For many a year, the slightest pretext, or no pretext at all, sufficed their opponents to start from time to time the story that the monarch's Protestant subjects were plotting to divide a part or the whole of France into cantons fashioned upon the model offered by their Swiss neighbors.

Meanwhile the leading writers in the interest of the reformation were careful, both to inculcate upon their followers the duty of submission to constituted authority and to exempt from that submission the domain of conscience. Every form of government, in their view, must be respected, as deriving its very existence from the providential ordering of God; but no government must be obeyed when it enjoins that which is contrary to God's commands. This can best be seen by noticing the manner in which John Calvin deals with the interpretation of one or two passages in the New Testament, which tyranny has, in all ages, adopted as its proof-texts, and by means of which it has sought to give to absolutism the appearance of a Biblical sanction. In the first of these (Rom. xiii. 1) Calvin finds the principle that "albeit tyrannies and unjust dominations, inasmuch as they are full of deformity, are not of the ordinary government; yet, nevertheless, the right of government is ordained of God for the health of mankind," and that therefore the apostle commands that the authority and government of magistrates be willingly and cheerfully received and revered as profitable to mankind. In the other passage (1 Peter ii. 13) the reformer regards the meaning of the writer to be that obedience is due to all who rule, because they have been raised to that honor not by chance, but by God's providence. Many, he remarks, are wont to inquire too scrupulously into the question, by what right power has been attained; but this alone ought to content us, that power is possessed and exercised. In strict accord with this, Calvin views the injustice of rulers (the Romans in Asia Minor, for example) both in acquiring

¹ Brantôme, *Œuvres*, IX. 202. See *The Rise of the Huguenots*, I. 103.

and in administering government, as an *abuse* which does not alter the great and divine end for which government was instituted. Princes may, so far as they can, pervert the holy ordinance, and magistrates, instead of bearing the image of God, become wild beasts; yet government itself, being established by God, ought to be so highly valued, that we shall honor even tyrants when in power. Besides which, he declares that there has never been a tyranny, nor can one be imagined, however cruel and unbridled, in which some portion of equity has not appeared; and that some kind of government, however deformed and corrupt it may be, is always better and more beneficial than anarchy.

Evidently, in all this, there is nothing calculated to give aid and comfort to monarchical despotism. The commentator, in fact, finds no reason for the express mention of the "king" by St. Peter, in the last passages referred to, but that the regal form of government was more disliked than any other, and that under it all other forms were included. In other words, it was authority as authority, and not *royal* authority in particular, that Calvin, interpreting the Bible according to the intention of the writers, as he thought, would have honored and submitted to. The warrant of the king to rule in his kingdom was precisely the same as that of the magistrate, of whatever degree, to exercise his functions in his lower sphere of action; both were in the same sense ordained of God. Calvin's contempt for the arrogant and exclusive claim of kings to this prerogative, appears most conspicuously in the indignant passages from his commentary on Daniel, which John Milton has pointed out in his treatise on "The tenure of kings and magistrates," and which he thus translates:¹ "Nowadays, monarchs pretend always in their titles, to be kings by the grace of God; but how many of them to this end only pretend it, that they may reign without control; for to what purpose is the grace of God mentioned in the title of kings, but that they may acknowledge no superior? In the meanwhile, God, whose name they use to support themselves, they willingly would tread under their feet. It is, therefore, a mere cheat, when they boast to reign by the grace of God."² "Earthly princes depose themselves, while they rise against God; yea, they are unworthy to be numbered among men: rather it behoves us to spit upon their heads, than to obey them."

¹ Milton's *Prose Works*, 243.

² In the original: "Merus igitur fucus est, quod jactant se Dei gratia pollere dominatione." Praelect. in Danielelem, in Baum, Cunitz et Reuss, *Ioan. Calvini Opera* (Bruns., 1889), XL. 670.

After all, however, the reformer preferred to take into his view no "intolerable oppression" that might justify the throwing off of the tyrant's yoke, and limited himself to the purely religious aspect of the case. It was when they rose against God that earthly princes *ipso facto* deposed themselves. It was in their commands that antagonized the higher commands of Heaven, that they might justly, indeed that they must, be resisted. The principles which he inculcated might lead to ulterior consequences for which he made no present provision: it was enough for him to enunciate them. More perilous in the aspect of things which confronted him than even the danger of political tyranny, was the danger of insubordination, the menace not to society alone, but to religion as well, from the proneness of men toward a contempt of all civil authority that had manifested itself in places, and tended, by its assumption of a religious garb, to bring religion itself into disrepute.

Yet while he was so conservative as to refuse to private persons the right to do anything else than obey and suffer, it must be noticed that Calvin concedes the right of resistance to royal authority to such magistrates as might be constituted to curb the too great cupidity and license of kings. And it is particularly noticeable that among these he mentions not only the ephors of old time at Sparta and the tribunes of the people at Rome, but the states-general so hated by absolute monarchs.¹

It was in accord with Calvin's teachings, and with the instructions of the teachers that had been moulded under his influence at Geneva, that, in the midst of aggravated persecution such as was endured during the reigns of Francis I. and his son Henry II., its victims refused, it is true, to obey the monarch where the royal commands conflicted with the "higher law," but nevertheless abstained from making any uprising, any armed resistance, any violent attempt to assert their natural rights. Accordingly, in the last days of the reign of Henry II., the first religious synod of the French Protestant churches placed at the end of their confession of faith, as its thirty-ninth and fortieth articles, a frank expression of loyalty. In the one article they profess their belief in the divine authority of government, established by God in the form of kingdoms, republics, and all other sorts of principalities, "be they hereditary or otherwise." In the other they declare: "We therefore hold that we must obey their laws and statutes, pay

¹ "Et comme sont, possible, aujourd'huy en chacun royaume les trois estats quand ils sont assemblez." *Institution chrestienne*, liv. 4, ch. 20. In Baum, Cunitz et Reuss, IV. 1160.

tribute, imposts, and other dues, and bear the yoke of subjection of a good and free will, even be they unfaithful (*infidèles*); provided that the sovereign authority of God remain in its integrity. Therefore we detest all those that would reject the higher powers, introduce a community and confusion of goods, and overthrow the order of justice."¹

When, not many days after these words were penned, Henry II. lost his life in the tilt to which he had challenged the reluctant captain of his Scotch archers, the course of history was changed to a degree that no one could have anticipated. A youth, a minor in fact if not in name, succeeded to the vacant throne. Now the rule of a minor is always the rule of those subjects that are so fortunate as to secure the control of the king's person or his mind. Francis II. was, unhappily, just old enough to seem to be entitled to exercise the functions of royalty and render the appointment of a regency unnecessary, while yet he deputed the full powers of government to others, especially to his wife's uncles, the Cardinal of Lorraine and the Duke of Guise. The sequel is familiar to all readers of history. Within a few months the new favorites had been violent enough and clumsy enough to arouse a spirit of opposition to their administration of the affairs of France, that must, in the very nature of things, soon find expression. Persecution was continued; indeed, was aggravated. Now, persecution at the hands of a king in the full possession of his mental powers is one thing; persecution under an immature and weak-minded boy-king, at the hands of nobles, is quite another thing. To see a member of the high court of parliament executed, would, in any case, have moved the people; but to see the most virtuous judge upon the bench strangled and then burned, dying with words of love upon his lips and assurances that he died not as a thief or a robber, but for the Gospel, — this was beyond the power of men of principle to endure with equanimity. To religious motives, political causes were added. The result was an explosion which is generally known as the Tumult of Amboise, — an unfortunate attempt at an uprising which the Guises quelled with a needless display of cruelty, attended by such bloodshed that it has rendered infamous both the prelate and the duke.

The Guises found it to their interest to consider the uprising, and to represent it to the king, as directed against him and against his royal authority. A letter was accordingly despatched in the name of Francis II. to the chief judicial officers throughout

¹ *Recueil des choses mémorables faites et passées pour le suict de Religion et estat de ce Royaume, Premier volume.* s.l. 1565. Page 69.

the kingdom, in which the enterprise was denounced as a detestable conspiracy. The Huguenots, now for the first time beginning to be known by this name, replied to this production, taking up its statements one by one, and defending the course which the malcontents had taken.

"There is no religion instituted by God, and there is no law received by men, that excuses the subject in taking arms without the consent of his sovereign," said the royal letters.

"This is true," replied the Huguenot commentator, "when the subject takes arms against his prince, against the law, against his own country. But the religion of God and all laws received among men, not only excuse, but command the subject to arm himself for the defence of his natural prince when he is oppressed, for the preservation of the law, and for the protection of the country."

"It is to the sovereign prince alone that is reserved of God the authority and power of the sword," again said the writer of the royal letters; to which the Huguenot unhesitatingly replied: "We confess that this is so, provided that the aforesaid prince knows by himself, or by means of a good and legitimate council, how to administer and dispense that authority to the honor of God, to his own advantage, and to the advantage of his subjects. But if this authority has been taken from his hands, and another person has unjustly appropriated it, the subject is unfaithful to his king if he suffers it and acquiesces in it, and he is injurious to his native land, if he can remedy the matter and does not do so."¹

Here was as yet no assertion of the right to resist a legitimate king acting as a tyrant, but only the assertion of the right, or rather the duty, of the subject to resist those who have, in some way or other, usurped the king's functions. Even on this point, however, the religious teachers who had been consulted in advance of the Tumult of Amboise were not unanimous; although it was perhaps not so much respecting the lawfulness as respecting the expediency of the movement that there was some diversity of opinion. Calvin and Beza were filled with apprehension as they thought of the consequences of civil war and bloodshed that might ensue, and earnestly dissuaded from a resort to force. There were, however, counsellors, jurists and others, that pronounced it lawful to take up arms to repel the violence of the Guises, under

¹ *Reponse chrestienne et defensive sus aucuns poincts calomnieux contenus en certaines Lettres envoyées aux Baillifs, Seneschaux et Lieutenans du Roy. 1560. In Recueil des choses mémorables, 103, 105.*

the authority of a prince of the blood, such as the promoters of the scheme darkly hinted that they could count upon in the Prince of Condé, and at the solicitation of the Estates of France, or the soundest part of them.¹

There can be little doubt that among the jurists thus consulted was François Hotman; there is none that he gave to the movement his unqualified sympathy and his most effective support.

Hotman was at this time in the thirty-sixth year of his age, — he was born in 1524, — and had already won great distinction for himself. His family, which was one of some prominence, came originally from Breslau, in Silesia. His father, Pierre Othman, or Hotman, had risen to the office of "Master of the Waters and Forests," and from that had become one of the counsellors or judges of the Parliament of Paris. François, the eldest of eleven children, was intended by his father for the bar, and, according to the system then prevailing in the judicial system, enjoyed the clear prospect of succeeding in good time to a seat in the highest tribunal of France. The father was a devoted adherent of the church of the state, and brought up his children in the same church. There was no obstacle on that score. Nor was it for any lack of ability or application on the part of François, that his father's hopes were not realized. When barely fifteen years of age, the boy was sent to study law in the University of Orleans, famous at that time for the learning of its professors. So well did he spend his time that only three years elapsed before he returned to the capital, having earned the degree of doctor. This was exceptional, but it was as nothing to what followed. Admitted to the bar, he had the promise of a brilliant career, but soon turned in disgust from a pursuit that appeared to him full of chicanery, and devoted himself to the theory of the law, which pleased him better than its practice. He was only twenty-two years old when, in 1546, he began to lecture publicly on jurisprudence with such erudition and such brilliancy that the great Étienne Pasquier in after years counted it one of the greatest pieces of good fortune that ever befell him that he was permitted at this time to be among Hotman's admiring hearers. It was in the midst of the unbroken course of his strange popularity that Hotman suddenly left Paris, renounced all his brilliant future, and forsook a life of ease and comfort for an existence of which exile was the ordinary, and actual privation the not infrequent characteristic. The young lecturer had secretly imbibed the views of the persecuted reformers; he was now resolved to make a public profession of those views. The bold act

¹ See *Rise of the Huguenots*, I. 378, 379.

cut him off from his family. His father virtually disinherited him, and while, at a later time, one brother was in the service of the Cardinal of Lorraine, and, still later, another was involved in the fatal "League," the family had only reproaches for the most brilliant of its members who had gone over to the camp of the enemies of the established church.¹

Compelled to take refuge on foreign soil, the young jurist was sought successively by the universities of Lausanne and Strasbourg. The elector palatine welcomed him at Heidelberg, appointing him one of his councillors, and sent him on a dangerous mission, about the time of the Tumult of Amboise, to confer with the Prince of Condé, the secret leader of the enterprise against the Guises. It was soon after the disastrous failure of the plan that the refugee published, probably at Geneva, an anonymous pamphlet which gives perhaps a better idea than any of the acknowledged productions emanating from his pen of Hotman's unsurpassed ability as a writer of pure and vigorous French. The pamphlet was entitled "A Letter to the Tiger of France," — *Epistre envoyée au Tigre de la France*. The "Tiger" is the Cardinal of Lorraine, whom, not without reason, the writer regards as the author of all the misfortunes of his country, and whose misdeeds he attacks with a directness and a vehemence, almost amounting to ferocity, that have been rarely equalled. The orations of Cicero against Catiline afforded Hotman a model, and he had undoubtedly an advantage in this, that the great Roman orator's invective had as yet had few imitators and could not, as at present, be said to have lost its power through frequency of repetition. Even in those days, however, it required the hand of a master to sustain throughout the high pitch with which he had begun, and to make the climax of the peroration even more terrible than the opening sentences.

The *Epistre envoyée au Tigre de la France* need not detain us long, despite its intrinsic importance and the interest attaching to the almost miraculous recovery of a single copy in recent years, after the supposed destruction of the entire impression.² It was not an attack upon the king or upon his authority, but upon the prelate who, presuming upon his relationship with the queen, had made himself master of the state. Like the prime participants in the movement whose disastrous failure was the

¹ See Bayle, Nicéron and Haag for a more detailed biography.

² Not to speak of the happy accident that this copy was saved from the flames at the burning of the Hôtel de Ville and its library by the Commune in 1871, by the circumstance that the librarian had taken the rare pamphlet home, to examine it more carefully at his leisure. See the reprint, with photographic fac-simile and copious notes, brought out by M. Charles Read, Paris, 1875.

occasion of the composition of the piece, the author believed himself to be acting not against, but in the interests of royalty, not with the view of restricting the prerogatives of the king, but for the purpose of restoring to the king freedom of action by the removal of the bad counsellors who had usurped his name and imposed their will upon him.

It was quite otherwise twelve or thirteen years later. The short reign of Francis II. opportunely ended within a few months after the Tumult of Amboise. Subsequently, three civil wars waged in the reign of Charles IX. to crush the Huguenot party failed of their purpose. In the Massacre of Saint Bartholomew's Day (August 24, 1572) an attempt was made to effect by treachery and assassination what the sword had proved powerless to accomplish. The plan had not originally been the king's; but, having once been overpersuaded to give his consent, Charles IX. suddenly resolved that not one Huguenot should escape with his life to proclaim the royal infamy. Not only so, but the "very Christian king" was seen at a window of the Louvre, encouraging the murderers by his presence, and, according to some accounts, even firing at the Huguenots, his subjects, accompanying the act with the exclamation, "*Mort Dieu*, let us shoot, they are fleeing!" The king was not a minor; he had passed his majority. It was not a minister, or a body of ministers, that had perpetrated in his name a crime of which he was ignorant or which he had vainly attempted to prevent. To leave no doubt on that head, Charles had formally assumed responsibility, giving the lie to the first announcements published to the world. His advisers were too shrewd to allow the crime against humanity to be put to their sole account.

Resistance must now be direct resistance to the king's authority. How should that resistance be justified in view of past utterances which seemed to call for passive obedience to the legitimate sovereign save in the matter of a command to do something forbidden by God? Men now began, for the first time, distinctly to apply uncomplimentary terms to the hereditary king of France, who had revelled in the butchery of his native-born subjects. But who should decide the question, when a lawful king ceased to be such? What tribunal was competent to pass upon a question involving the rights of a monarch universally believed to govern France by virtue of a special divine grace, untrammelled by the desires of those that had been created to be his servants?

The crisis called for a writer well versed in the history of his

country, and able to discriminate between ancient custom and recent abuse. François Hotman answered the summons with alacrity. He had spent most of the interval since the death of Francis II. in France; first, with the King of Navarre, Antoine de Bourbon, and his brother, the Prince of Condé, afterwards teaching in the schools of Valence and Bourges. From this latter place he fled, on first hearing of the wound of Admiral Coligny, and, after lurking a few days in the neighborhood, managed to gain the hospitable refuge of the city of Geneva. His own narrow escape and the sight of the miserable fugitives who continued for weeks to pour into the gates of the place, witnesses and survivors of horrors almost incredible by reason of their magnitude, determined him to publish a book, calling in question the very foundation of the authority of the crowned despot who was the cause of all this misery. The result of careful study of all the old historians of French affairs, as well Germans as natives of France proper, this work was destined to gain celebrity from the evidence it gave of the learning and ability of the author, and from the startling character of its contents.¹ The *Franco-Gallia* of François Hotman was a truly revolutionary book. It aimed to prove that, far from being hereditary, like private possessions, royalty in France was of right, and always had been until comparatively recent times, elective; and that the king's subjects, instead of being bound to a blind and servile obedience, possessed through their assemblies, gathered in accordance with immemorial custom, the authority to remove for cause the prince whom they had elevated to the throne. Need it be said that men stood aghast at the presumption of the writer that undertook to sustain such a thesis? Need we wonder that even such a scholar as Nicéron, writing the biography of Hotman for his gallery of French worthies that have made themselves illustrious in the republic of letters,² but writing in the age of Louis XV., expressed

¹ I was mistaken in supposing (in the first edition of my *Rise of the Huguenots of France*, II. 615) that the book originally appeared anonymously. The title-page of the earliest edition, which I have since received, reads: "*Franco. Hotomani iurisconsulti Francogallia. Ex officina Jacobi Starii. 1573.*" Although the place of impression is not stated, it was undoubtedly Geneva. My copy was formerly in the library of the University of Heidelberg, and was stamped and sold as a duplicate. In view of the circumstance that the work was dedicated, as it will be seen in the text, to the elector palatine, whose famous castle overlooked the university, it is not improbable that this volume was one out of a number of copies of the *Franco-Gallia* which the author presented to his princely patron, or, more probably, which the latter purchased in order to encourage and assist the brilliant but necessitous author.

² *Mémoires pour servir à l'histoire des hommes illustres dans la République des Lettres, avec un catalogue raisonné de leurs ouvrages*, XI. 109-134.

the opinion that the *Franco-Gallia*, although commendable for its erudition, is unworthy of a French jurisconsult, and serves only to dishonor Hotman, even in the estimation of the Protestants themselves.

Bayle says that Hotman wrote the *Franco-Gallia* in anger. If so, the anger was all directed against the perfidious king that had been butchering his subjects; there was not a trace of anger against the land from which he had been compelled to flee. The dedicatory epistle addressed by the exile to Count Frederick, the elector palatine, breathed only the purest patriotism. Hotman repudiated the maxim that one's country is wherever one can live in comfort. Nay, he said, the land of one's birth is no step-mother whose harshness may justly be treated with contempt, but a true parent whose faults ought to be borne with filial leniency. Ancients and moderns unite in placing her claims to regard and affection above those of father or mother. An Epicurean or a Cynic may adopt for his own the sentiment of Caligula, "Let the earth burn up when I am dead!" or the yet more repulsive saying of the old tyrant, "May my friends perish, if only my enemies be involved in their destruction!" But in kindlier natures there is a certain inborn love of country extinguishable only with the extinction of all man's senses. True, the fatherland may at times be afflicted with madness. It may even give itself over to insane fury, it may in a frenzy of cruelty rend in pieces its own offspring. But let not the faults of another be laid at the door of an innocent country. Tyrants there have been in other places besides Rome, who slew good men and citizens that had deserved well of the state. There was a time when to the schools of France there flocked studious youth from all quarters of the world, as to the mart where letters could be purchased. Now these same youth shudder at the very thought of those schools, as of seas infested by pirates, and utter imprecations upon a barbarity worthy only of monsters.

What, then, is the remedy for the present disastrous state of things? It is a return, says Hotman, to the form of government which the wisdom of the fathers devised, and which prevailed for more than a thousand years. Like the human body, some states fall victims to violence from without, others to domestic sedition, still others to the inroads of time. The ills of France have a different origin. Intestine discord is not, as commonly reported, the cause but the occasion. The cause is to be found in a wound inflicted, about a hundred years back, by one — the reference is to Louis XI. — who first of all perverted the institutions handed down from the ancestors of the Frenchmen of the day. It is idle

to speak of healing the body politic before the dislocated members have been brought back each to its own place.

In accordance with the view thus propounded, the *Franco-Gallia* is an historical survey of France from the earliest times, made with the object of exhibiting the fact that the relation sustained by the people to the king is that of the appointing power to the appointee. Even before the subjection of Gaul by the Romans the author finds the one characteristic common to all the states, whether governed by the whole body of nobles or ruled by a single chief, to be that, at a set time of every year, a council was held in which were determined all matters affecting the general interests. The extent of the power of the people might be gauged by the remark of a native Gaul that the multitude exercised not less authority over the king than the king over the multitude.

But the history of France properly begins with the time when, oppressed beyond endurance by the harshness and rapacity of the Romans, the Gauls not merely favored, but actively promoted, the introduction of great multitudes of Germans from beyond the Rhine. Why the name "Franks" came to be applied to all those that settled within the bounds of what is now known as France, is a question which it interests Hotman to answer. Either the Franks were a tribe hitherto small and insignificant, whose members, because they were the originators of a momentous change, extended their name to a great nation, just as the inhabitants of Schwyz, a contracted district in the Alps, because they were the first movers in the recovery of liberty, caused the name of Helvetia to disappear before that of Schweiz, or Switzerland; or else, as the author prefers to believe, it was the very idea of freedom contained in the word "Frank" that caused the name to be applied to a considerable part of the German race when once exempt from slavery. Thus *Francisia* became the synonym of "asylum" and *francisare* represented the act of emancipation. Those therefore were properly called Franks who, having thrown off the yoke of tyranny, thought that they might retain an honorable liberty under the royal authority. "For it is not servitude," says Hotman, "to obey a king, nor are they to be esteemed slaves that obey him; but those rather who submit to the caprice of a tyrant, a robber, or a murderer, as sheep submit to the butcher, are truly to be called by that most vile name of slaves. Thus it was that the Franks always had kings, even when they professed themselves maintainers and defenders of freedom; and when they set up kings, they set not up tyrants and murderers, but guardians, overseers, protectors of their own liberties."¹

¹ *Franco-Gallia*, 37.

Such a monarchy was, according to Hotman, as far removed as possible from a tyranny. The king possessed not one of those marks that distinguish the tyrant. He ruled over willing subjects and not by compulsion. So far from relying on a bodyguard of foreign mercenaries, he had no guard even of natives, and needed none, because he relied on the good-will of his subjects. He governed not with a view to his own advantage, but to the advantage of his subjects. And his authority was kept in salutary check by the yearly meeting of a deliberative body—a *concilium*—whose composition rendered it well adapted to the purpose. It was large; there is safety in numbers. It represented all; it is a part of liberty that those should be consulted at whose peril government is administered. It was a body in which the states of the kingdom were freely heard. In short, it was in all respects different from the council with which kings are wont to provide themselves in these degenerate days. For the council is now not the council of the kingdom, but of the king. It consults his interests alone, it is ever at court, and cannot even know the state of things in distant parts of the realm. Its members, ensnared by the temptations of court life, easily give the rein to the lust of power, to ambition, and to the desire to accumulate riches. In the end, they become not advisers of the monarch and his state, but flatterers of the prince and ministers to his desires. Far different from these are those Aragonese who, when convened for the purpose of choosing and crowning a king, address him in these striking words: "Nos que valemus tanto come vos y podemos mas que vos," etc.—"We who are as good as you, and are more powerful than you, elect you king on such and such conditions. Between you and us there is One with greater authority than you."¹

The custom of holding popular assemblies for the purpose of putting a check upon royal authority does not belong to France alone, says Hotman, but is and has always been the common institute of all peoples and nations that use a royal and not a tyrant-

¹ *Franco-Gallia*, 85. — When Mr. Prescott, in his *Ferdinand and Isabella*, I. lxxxvi (Introduction), observes that, "The well-known oath of the Aragonese to their sovereign on his accession, 'Nos que valemus tanto come vos,' etc., frequently quoted by historians, rests on the authority of Antonio Perez, the unfortunate minister of Philip II., who, however good a voucher for the usages of his own time, has made a blunder in the very sentence preceding this, by confounding the Privilege of Union with one of the Laws of Soprarbe, which shows him to be insufficient, especially as he is the only authority for this ancient ceremony. See Antonio Perez, *Relaciones* (Paris, 1598), fol. 92,"—the eminent American historian overlooks this passage in the *Franco-Gallia* of Hotman, issued just twenty-five years earlier than the publication of Perez.

nical rule. Clearly, then, the venerable right of these assemblies is a part of the *jus gentium*; and not less clearly, those kings that crush that holy privilege by their bad arts, being violators of the *jus gentium*, and having put themselves without the pale of human society, are henceforth to be esteemed not kings but tyrants.¹

Wherein did the royal majesty reside, is a question which Hotman sets himself with earnestness to discuss; nor does he disdain to recall the pompous ceremonial that attended in the good old times the convocation of the assembly of the people. Carried in a wagon drawn by oxen to the place of its sessions, the king dismounting was conducted by his princes to a throne of state, whereupon these in turn sat down each in his own place according to rank. It was in the king thus seated in the assembly of his nobles that the royal majesty resided. With good reason, therefore, did the great seal of the kingdom in the chancellor's possession represent the king not in a military fashion on horseback, nor riding in triumph in a four-horse chariot, but in long royal robes and crowned, seated upon a throne, with the royal sceptre in his right hand and the sceptre of justice in his left, and presiding over a solemn council. For assuredly the royal majesty is to be found where the great interests of the common wealth are under consideration.²

One of the distinct prerogatives of the popular assembly being to elect and remove kings for cause, the author not inappropriately investigates the claim of the supporters of the papal see that Pepin was elevated to the throne of France by the authority of the pope. An historical inquiry shows that the very writers upon whose testimony the claim is based reveal the fact that all that Zachary really did was to express his approval when the removal of the incompetent Childeric and the elevation of Pepin had already been effected by the French themselves.³

In the course of his argument to prove by historical examples the continued authority of the popular assembly or the states of the realm under the successors of Charlemagne and, indeed, under the monarchs of the Capetian race, Hotman pauses to refute the notion already so much in vogue to which Louis XIV. in the next century is said to have given expression in the phrase, "L'état c'est

¹ *Franco-Gallia*, 86.

² That is, not in the king as a man, according to the idea of the unthinking masses, who, whether he be playing, or dancing, or chattering with a group of silly women, still ever speak of his royal majesty. *Franco-Gallia*, 87, 88.

³ *Franco-Gallia*, 112, 113.

moi." "Is it not plain," he exclaims, "how great a difference our ancestors made between the king and the kingdom? And indeed the matter stands thus: The king is the sole and singular prince, whereas the kingdom is the very universality of citizens and subjects. . . . The king stands in the same relation to the kingdom as the father occupies in respect to his family, the tutor to the pupil, the pilot to the sailor, the general to the army. As the pupil is not the property of the tutor, the ship of the pilot, the army of the general, but, on the contrary, these are established for the sake of the others; so the people is not the king's, but the king is sought and obtained for the sake of the people. For the people can exist without the king, supposing that it obey the counsel of its better men or its own counsel; but without a people a king cannot even be conceived of. Then again look at other points of difference. The king is mortal, just as any private man that you may please to take; the kingdom is abiding and immortal, as jurists are wont to say of colleges and universities. The king may be affected by aberration of mind and insanity, as was Charles VI. who gave his kingdom to the English—nor are there any men that are more easily unsettled in mind by the blandishments of pleasure: but the kingdom has in its *elders*, men skilled in the conduct of affairs, its appropriate and certain wisdom, as it were, lodged in the head of the state. A king may in a single battle, nay, in a single day, be defeated, taken prisoner, and led away to the enemy's dominions. No one is ignorant of the fact that this is what befell St. Louis, John, and Francis I. Yet the kingdom remains safe when the king is lost. As soon as such a calamity occurs, a council is appointed, the leading men convene and devise a remedy for present misfortune. This was done in the cases referred to. The king by reason of the infirmity of his age, or the levity of his intellect, may be influenced and depraved by this or that avaricious, rapacious, or lustful counsellor, or by a few lascivious youths of his own time of life. He may even be so infatuated by a woman as to commit to her almost the entire administration of the realm. There are few, I imagine, who do not know how many examples of this evil have occurred. But the kingdom can always rely upon the advice and the wisdom of its older men. . . . Our ancestors left to the king his own privy counsellors to care for his personal affairs; they reserved for the public assembly the choice of the older men that were to consult together and point out to the king the mode of administering the kingdom."¹

To prove that the assembly of the representatives of the people

¹ *Franco-Gallia*, 128-130.

had not become an obsolete institution under the kings of Capetian race, Hotman gives seven examples out of many more that could have been instanced, and concludes with a chapter on "the memorable authority of the council (the states) over Louis XI." Of this monarch's perjury he observes that it was expiated as well by his own infamy as by the ruin of the people. "However this may be," he adds by way of conclusion, "it is evident that less than one hundred years have elapsed since the liberty of France and the authority of the solemn assembly were in vigor, and in vigor against a king weak neither in age nor in mind, but already forty years old and possessed of such greatness of intellect as plainly never was found in any other king of ours. Thus may it be understood that our commonwealth, founded and established in liberty, retained for more than eleven hundred years that free and venerable constitution (*statum*) which it possessed, even by force of arms against the power of tyrants."¹

To the discussion of matters evidently germane to the subject of his treatise, Hotman appended two inquiries the connection of which with his main purpose was less close, although a nearer examination will show his reasons. The chapter devoted to the question, whether women, while excluded from the throne, might not act as regents of the kingdom, found its justification in the circumstance that the malignant influence of the queen mother, Catharine de' Medici, could be traced in all the crimes and blunders that had lately culminated in the frightful Parisian Matins. The final chapter of the work, wherein the judicial parliaments of France were shown to have secured for themselves an exorbitant influence in the state by a series of usurpations, beginning with an unjustifiable appropriation of the name *parlamentum* belonging to the old representative assemblies of the people, was doubtless the fruit of that just indignation which filled every patriot's heart when he learned that the Parliament of Paris, the highest court in the realm, had stooped so low in obsequious submission to Charles IX., as not only to witness without remonstrance the massacre of the innocent victims of St. Bartholomew's Day, but actually, through its president, Christopher de Thou, to praise the monarch for the dissimulation by which he had succeeded in crushing the pretended conspiracy of the Huguenots.

Such is a brief synopsis of the *Franco-Gallia*—a book with its faults, indeed, but notwithstanding Niceron's assertion, by no means a book for the most learned of the jurisconsults of his age to be ashamed of. So far as erudition was concerned, it was a

¹ *Franco-Gallia*, 145.

marvel that, in the brief space of a twelvemonth, its author had been able to master and co-ordinate the vast mass of history and chronicle which he laid under contribution, even though we grant that it was a trained mind and a memory well stored with fact that he brought to his undertaking. Augustin Thierry and others that have followed him, have not, it is true, been slow in calling attention to the circumstance that Hotman, in his eagerness to establish his main thesis, "made no account of differences of times, manners, origin, and functions, confounding under a single name, as though they were things the same in nature, the states-general of the Valois, the parliaments of the barons under the first kings of the third race, the politico-ecclesiastical assemblies of the second race, the military reviews and the courts of the first race, and, back of all, the convocations of the German tribes such as Tacitus describes them."¹ They have pointed out that the author thus rendered his proof inconclusive and reached false conclusions. But they have not failed to do ample justice to the singular learning and originality of his work.²

The impression produced by the *Franco-Gallia* was evidenced by the attempted replies, less learned and cogent than abusive of the author. These need not occupy us. It is more to my purpose to trace the development of Hotman's political ideas.

Two other books having an immediate bearing upon the history of the events of St. Bartholomew's Day emanated from Hotman's pen, the one in the very year of the publication of the *Franco-Gallia*, the other two years later. The former was a clear and simple narrative of the Massacre, under the title *De furoribus gallicis*. The author hid his identity beneath the pseudonym *Ernestus Varamundus*. The latter was a memoir of Gaspar de Coligny written by Hotman at the request of the admiral's widow, and was the most authentic connected account of the life, especially the inner life, of the great Protestant hero.³ In neither of these books, interesting though they be, are we to look

¹ Augustin Thierry, *Considérations sur l'histoire de France*, prefixed to his *Récits des temps Mérovingiens* (2ième édit., Paris, 1842), I. 52, 53.

² *Ibid.*, I. 57. Thierry adds (58): "Du reste, son érudition était saine en grande partie, et la plus forte qu'il fut possible d'avoir alors sur le fonds de l'histoire de France."

³ *Gasparis Colinii Castellonii, magni quondam Francia Amirallii, vita*, 1575.—We have the curious letter, dated January 15, 1574, in which the widow, a prisoner of the Duke of Savoy, begs the great scholar to do justice to the memory of her murdered husband, adorning her appeal with a wealth of classical allusion which was in fashion at the time, but would now seem strangely out of place. See *Bulletin de la Société de l'histoire du Protestantisme français*, VI. 29. Geneva was so exposed to danger from without that the timid magistrates declined to permit the *Life of Coligny* to be printed within their jurisdiction.

for the sequel of the *Franco-Gallia*, but, rather, as Sayous has shown in his admirable sketch of Hotman,¹ in an anonymous production which came out a year later, and which, although surely not composed by Hotman, may just as surely be regarded as inspired by him. I refer to the treatise, consisting of two dialogues, that bore, in its French form, the title, *Reveille-Matin des François et de leurs Voisins*, and in its Latin form the title, *Dialogi ab Eusebio Philadelpho cosmopolita in Gallorum et cæterarum nationum gratiam compositi*.²

Here what was merely hinted in the *Franco-Gallia* is expressed in clear terms. The statements of Hotman are reproduced, sometimes in almost the identical words, and his work is referred to with unstinted praise;³ but now a practical application is given to what was previously mere theory. Near the close of the first dialogue, or part, we have the sketch of a new form of government drawn out in forty articles, according to which the Protestant municipalities may manage their affairs under an elected leader or chief until such time "as God who holds in his hand the hearts of kings may either change the tyrant's mind and restore the French kingdom to its former dignity and liberty, or excite some neighboring prince who may by his own valor and by marks divinely impressed upon him be recognized as liberator of a ruined people."⁴ The writer insists upon the mutual obligations of magistrates (including kings) and subjects. Whatever the form of government, it is affirmed that the magistrate was chosen by the people for their own advantage. Obviously they never would have chosen him and empowered him to treat the people just as he pleased. They bound him by an oath that he might be a terror to evil-doers and a defence to the good. When, therefore, rulers stray from the end for which they were created, the obligation of the people is dissolved—"as when kings become tyrants and from good princes they become *Charles the Ninths*."⁵ It is the function of the same person that bound also to loose the bond. The three estates are derelict to their trust if they permit royalty to turn into tyranny. They are the supreme magistrates, above the king himself. But what if the popular rights have

¹ *Études littéraires sur les Écrivains français de la Réformation*, II. 40 seqq.

² The imprint, "Edinburgi, ex Typographia Iacobi Iamaei, 1574," does not prove that the book was published in Scotland. It was probably issued at Bâle or Strasbourg.

³ E.g. in the second dialogue, 134: "Cujus formam elegantissime confecit et descripsit in sua Francogallia Hottomanus."

⁴ *Dial.* I. 99.

⁵ *Dial.* II. 63: "Ut cum reges sunt tyranni, et ex bonis principibus fiunt Caroli noni."

fallen into desuetude through stupid negligence? The same answer must be given that is so often in kings' mouths. If there is no prescription against the king, much more is there no prescription against the state and the rights of that people from whom the election and the power of the king depend. "No space of time is long enough to act as a bar to the rights of the people; so that princes who by evil craft and the violation of the laws of the realm crush the freedom of the states should no longer be esteemed kings, but tyrants and wicked enemies of the commonwealth."¹ Nay, so personal was the application of the principles enunciated that Charles IX. was declared to be the assassin of his fatherland, and, as such, deserving of the punishment meted out of old to parricides; namely, to be sewed up in a bag in company with a serpent, a cock, and an ape. For the first of these Catharine de' Medici might rightly stand, the Duke of Anjou, her son, for the second, and Retz for the third. The punishment of the four might atone for the sins of the entire realm.²

These were brave words, and the principles enunciated by Hotman and elaborated and applied under his inspiration were calculated to stimulate powerfully the assertion of the popular liberties. The movement ran parallel with and breathed the very spirit of Protestantism—a protest against absolutism in state as well as in religion, a vindication of the rights of the intellect of the individual as against the claim of blind submission to prelate and secular ruler. It was in accord with the popular form of government which, in fact, the Huguenots had instituted for themselves in their ecclesiastical system with its representative courts and synods. How came it then that, whatever the ulterior results may have been, the theories of Hotman and of those who took up those theories and seemed likely to carry them on to triumphant realization, almost immediately lost their hold upon men's minds, leaving France to drift more and more into unqualified despotism, leaving the Huguenots, in particular, to adopt views of the relation of the prince to his subjects that proved the most efficacious means of their own undoing?

Primarily, it was the change that rapidly came over the political situation of France. When the *Franco-Gallia* and the *Reveille-Matin* saw the light, the Huguenots were in the first glow of excitement occasioned by an experience of the treacherous cruelty of the king of France and his advisers. Men were not averse to discussing the question, how a monarch such as the man of whose perfidy they were the victims must be regarded. But

¹ *Dial.* II. 66, 67.

² *Ibid.*, 76.

soon Charles IX. was succeeded upon the throne by his brother, Henry III. ; and, before many years, the childlessness of the new king led both Roman Catholics and Protestants to view the probability that, in the natural order of events, the crown of the kingdom of France might ere long pass to a Huguenot. As much as the prospect delighted the one party, so much it filled with dismay the hearts of the adherents of the other party. The greater number of the Roman Catholics viewed the possibility of a "heretic" sitting on the throne of the "most Christian" kings of France as a contingency too horrible for words to describe or for heart to conceive, and looking about them for an escape, found it in the substitution, by election or otherwise, of some person of unimpeachable orthodoxy, whether a Bourbon or a Guise. First of all, it was deemed highly desirable, if not absolutely necessary, to obtain an authoritative declaration that Henry of Navarre, as a relapsed heretic, had forfeited the crown. This declaration was secured by the "League" from Pope Sixtus V.

Now it was no abandonment of the positions which Hotman had taken in the *Franco-Gallia* for him to attack the bull of Sixtus and espouse the rights of Henry of Navarre. On the contrary, he had in that work devoted an entire chapter, and that by no means the least interesting, to a proof of the falsity of the story that Childeric was dethroned and Pepin elevated to the throne in his stead by the authority of Pope Zachary. Lestoile's counter-manifesto, made in the name of the king of Navarre and the Prince of Condé, in which he asserted that "Mr. Sixtus, styling himself pope (saving his holiness), had falsely and maliciously lied and was himself a heretic," was a more sprightly and amusing production ; but Hotman's *Brutum Fulmen* was a piece of ordnance of quite a different calibre and of much superior effectiveness.¹ The bolt hurled by the pontiff at the brave king of Navarre was shown to be a very impotent missile after all, because founded on a judgment that was null and void by reason of the incompetency of the judge, the falsehood of the alleged causes, the flaws in the procedure, and the stupidity of the sentence.

But when, three years later, Hotman gave to the world a treatise entitled *De jure successionis regiae in regno Francorum*, in which were collected from approved authors sentiments favorable to the claim of the Huguenot prince to the throne as the legitimate successor in direct line, he certainly gave a handle to those that

¹ *Brutum Fulmen Papæ Sixti adversus Henricum serenissimum Regem Navarra*, etc. [1585]. I have used the fourth edition, which was issued without date or place of publication.

accused him of a complete change of front.¹ True, he did not surrender his former contention that the people are justified in refusing obedience to the king that violates the laws and becomes a tyrant; but he seemed, for the time, to forget the rights of the people in his anxiety to establish the rights of the Huguenot monarch. And this, too, although to the end of his days he continued to regard the *Franco-Gallia* with peculiar affection as the greatest work that he had written. "There were not wanting counter-propositions from the League," remarks Sayous,² "to match the propositions of Hotman, and each party rivalled the other in learning and in zeal to refute itself." It was on this occasion that Bayle indulged in the mocking expressions respecting the instability of certain human opinions which I have placed at the head of the present article.

As time passed, the Protestants were led to become the supporters of extreme views of loyalty.³ Of this their devotion to Henry of Navarre was not the sole cause. The circumstance that many of the great nobles of France belonged to their party, some connected by blood with the royal house, and many more having an interest in the maintenance of the royal prerogative, conduced to the same end. After the assassination of Henry IV. at the hand of a supposed tool of the Order of Jesus, the Protestants were driven by the force of events to assert in the strongest terms, as against the teachings of that order, the sacred character of the person of kings, with the correlated doctrine of the obligation of the subject to render to the prince implicit and unqualified obedience. Interesting though the discussion might be, we cannot here trace the disastrous effect of the views that now became popular, both upon the Huguenots themselves and upon monarchs, who should have protected them on account of their loyalty; but who, on the contrary, were only the more emboldened to oppress

¹ It is not surprising that a contemporary panegyrist like Gaucher, better known as Scævola, de Sainte-Marthe, while not dropping even a hint of the doctrines propounded by Hotman in the *Franco-Gallia*, should have extolled the learning and ability of this later treatise. Hotman died, remarks Sainte-Marthe, in his sixty-sixth year, "cum paucis ante annis libellum edidisset *plane aureum*, quo impendentem apud Gallos inter patrum [Cardinal Charles of Bourbon] et patris filium de regiae successionis jure controversiam, non minus vere quam erudite in gratiam Henrici legitimi successoris explicavit." *Scævolæ Sammarthani Elogia doctorum in Gallia Virorum qui nostra patrumque memoria floruerunt* (Nova ed., Ienæ, 1696). Lib. IV. 74.

² *Études littéraires*, II. 53.

³ The author of a somewhat rare opuscle, published just after the accession of Henry IV., quotes with approval the sentiment of Tertullian that the monarch is second only to God. There is no third power that is free from subjection to him, or has authority over kings themselves. The writer is opposing the pretensions of Sixtus V.; but in his

them because they were assured that no degree of violence would cause such submissive subjects to revolt. Let it suffice to sum up the story in the words of the historian Le Vassor, a keen observer of events, and a candid and truthful critic:¹ "The Reformed of France are deserving of praise for having so courageously defended the sovereign and independent authority of their king against the enterprises of the pope and the clergy. But these good people seem to have forgotten their true interests and those of their country in themselves laboring for the establishment of that absolute and arbitrary power whose terrible effects they have since experienced. By a too great passion for distinguishing themselves from the Roman Catholics, imprudent or flattering ministers unceasingly preached the necessity of blind obedience to the sovereign's orders, however unjust these might be, when he exacted nothing against religion and conscience. Meanwhile, the court, skilful in taking advantage of the favorable disposition of men's minds, wrought effectually to enfeeble the Reformed party and to make sure of those who might have sustained it. Consequently it has not proved very difficult to overwhelm in the end poor people incapable of defending themselves, and imbued with that tyrannical maxim, which had long been represented as a religious principle, that the king is the master of the life and property of his subjects."

HENRY MARTYN BAIRD.

zeal to support royalty, he ignores the superiority of the states-general which was asserted by Hotman. He even goes to the length of justifying the king's predecessor in his treacherous murder of the Duke of Guise and his brother, the cardinal. *Jehova l'index, sive de rebus Gallicis*, Bremae, 1590. Whether the author, who calls himself Jacobus Francus, was a Frenchman or a German, he fully represented the sentiment of the Huguenots, and was rewarded by the papal authorities by honorable mention in *Index Librorum Prohibitorum*, s.v. Lauterbach.

¹ *Histoire du règne de Louis XIII.* (Amsterdam, 1701), II. 339, 340.

THE BOHUN WILLS, II

(Continued from the April number)

III

Will of Humphrey de Bohun, sixth (son of the fourth and brother of the fifth) Earl of Hereford of the name. Born about 1308; died, unmarried, in the Bohun castle of Plessy, Essex, October 15, 1361.¹ *Royal Wills*, 44, for the original.

In the name of the Father, Son, and Holy Ghost, Amen. The Sunday after Saint Denys, in October, in the year of the Incarnation of our Lord Jesus Christ one thousand three hundred and sixty-one, we, Humphrey de Bohun, Earl of Hereford and Essex, and Lord of Brecknock, of sound and good memory, make our will in this manner. First, we bequeath our soul to God in reverence of the Trinity and of Saint Augustine, for whom we have great affection, and for the reason that God has bestowed upon us riches and honors in this world, which at the last are only vain glory, we bequeath our body to lie and be buried among the poor friars of the order of Saint Augustine, that is to say, in the choir of their church in London, in front of the high altar.² We do not wish that our executors should make for us, on the day of our burial, any common distribution among the poor, or that they should appear as great lords, neither the one nor the other, or that they should provide any feast on the day of our burial except only for a bishop who shall pray at our burial and for the poor friars and for our household, or that they should provide any herce except one for thirteen wax tapers,³ each of the weight of five pounds, and let them order our tomb according to what they consider proper and in whatsoever place we happen to die. We bequeath to the parson of the parish church of that place £ 20, provided that he pray for us and assoil us if we have done anything wrong against his church in [withholding] tithe offerings or in anything else,⁴ and release us from all manner of actions and challenges that he can

¹ He had been an invalid for many years, resigning in 1338 the Constablership of England, for that reason, in favor of his younger brother, the Earl of Northampton. *Fœdera*, II. part iv. 23. Perhaps his state of health explains his not having married.

² The testator had rebuilt this church in 1354.

³ One for Christ and twelve for his apostles; this appears to be the meaning generally of the use of the number thirteen, which is quite common. See below in this will, 'thirteen chalices . . . in the name of God and of his twelve sweet apostles.'

⁴ A common provision in wills. 'I bequethe to the hygh auter of the same Church for my tythes and offrynges forgzeten and withdrawien, xl. s.' Will of John Toker,

have by reason of our burial [service?] and interment, in any respect; and inasmuch as our soul will be at God's command, we wish that our executors shall send the body very privately to London with our confessor and other persons most of whom should be chaplains, and let it be buried there privately. We will also and wish that a pall shall be made, suitable for our body,¹ to remain in a certain place where our household shall stay until our burial shall be appointed, and that each day there shall be said for us the 'placebo et dirige'² and masses, and wax tapers [put] around this pall for us, each of three pounds, until the burial shall be had, and each night on the road where this pall shall conveniently rest, instead of our body, we wish that thirteen wax tapers shall be lighted around this pall while 'placebo,' 'dirige' and the mass next day shall be said, before our departure, and these wax tapers shall remain to the church in which the service shall be said if there be but one church in the place, and if there be two or more then the tapers shall be divided among them according to the direction of our confessor, to pray for us.³ We will also and wish that as soon as possible after our decease all our debts be paid, as well those which we have charged by word of mouth, which are proved, as the rest, and that accord and satisfaction be made to all persons to whom our executors can learn that we have done wrong or trespass in whatever way. We wish also and will that all our household remain together at our expense until each shall be paid that which we have bequeathed to him, according to what is contained below, and that each be charged that he shall take his pay to pray for us. We will also and wish that immediately after payment of our debts our executors shall deliver to brother William de Monkland, our confessor, to brother William Wilhale, Master of Divinity,⁴ and brother Geoffrey de Berdefeld three hundred marks of silver, with which to appoint and assign where they shall consider it of most importance fifty brethren of the same order, who are of good and holy life to chant masses, that is to say, 'placebo et dirige,' 'commendation,' and other devout prayers for us every day through the whole of the first year after our death, and that each of them chant for us the same year a full trental⁵ of masses, and that thirteen of the same fifty brethren keep vigil day and night in whatever place they are assigned at the discretion of the three brethren above named, some to relieve the others through the whole year aforesaid and say 'placebo et dirige,' psalters, and other devout prayers, and that the aforesaid brethren

1428, *Earliest English Wills*, 77. 'Also y bequethe to the hye Auter for my Offryng, yef any be foryeten, 6 s. viii. d.' Will of Richard Whyteman, 1428, id. 81.

¹ That is, there was to be a covered coffin, in representation, for the exercises following; the body itself having been sent on to London for burial.

² 'Placebo' is the first word in the vesper service for the dead; 'dirige' (whence 'dirge') the first word of the first anthem at matins for the dead. *Fifty Earliest English Wills*, 137.

³ That is, to the end that prayers be said for us in such churches. The language of wills is generally unstudied, and often irregular in syntax.

⁴ Synonym at the time of doctor of divinity.

⁵ Thirty full masses, in thirty days.

shall be sworn of this our will to do faithfully according to the requirement of our confessor and of the other two brethren named, under the oversight of our executors. And if one of the three brethren die, the two shall choose another in his place, under the oversight of our executors. We bequeath to the order of the friars aforesaid a tomb with tabernacles and finials,¹ and with stones for placing in view the body of our Lord, if the said tomb should remain to us after our decease, and to the same order a gold cup to be made into a chalice, and a white vestment of our chapel, and a black vestment on the borders of which are arms of England. And we wish that these things shall remain in the order, to serve where it may be considered best. And we wish that these things shall be provided by our executors, and that our said confessor appoint annual chantries² in the order of the value of the joys below³ mentioned for each year.⁴ We bequeath also to the three orders of mendicants in London, that is to say, to the Friars Preachers, Minorites, and Carmelites, to each house £10, to pray for us. We bequeath also to the students of the four orders of mendicants in Oxford and Cambridge, that is to say, the Friars Preachers, Minorites, Carmelites, and Saint Augustine, to each house £10, to pray for us. We bequeath also to our Abbey of Walden £100 of silver to be divided among the monks and to the profit of the house, to pray for us in this manner, that they pardon and assoil us of whatever wrong we have done to them, if anything there be. We bequeath to our said abbey, to serve in the chapel of our Lady there, a silver-bound copy of the Gospels⁵ and a vestment of red velvet, with four garments. And for that we are held by a vow to offer in honor of our Lady, for the statue of our Lady in the said chapel of Walden, a large silver gilt crown, lined and having a stripe in the front and of a span in height, we wish that our executors have it made and offer it there, to remain upon the head of the said statue in perpetual memory of us. We bequeath also to our Priory of Lanthony near Gloucester 40 marks, to be distributed among the canons there and to the profit

¹ See Shaw's *Decorative Arts* for an example.

² Chantries — chapels — in which masses were to be said annually, *i.e.* on the day of the testator's death, his 'obit.'

³ The text is 'avantditz,' a slip for 'susditz.'

⁴ The meaning appears to be that the executors are to set apart funds enough for the celebrating the joys of the Virgin, according to the usual cost. Such provisions were common, the amount to be set apart for the purpose usually being specified, as below, 'five silver chalices in the name of the five joys of our Lady.' See also the will of John of Gaunt (1397), *Royal Wills*, 145, 153, where the testator gives to the high altar of the Friars Carmelites in London 'fifteen marks silver in honor of the fifteen joys of our Lady,' and makes another gift of 'five marks in honor of the five principal wounds of our Lord Jesus, and five marks in honor of the five joys of our Lady.'

As to the joys of the Virgin, see Bridgett, *Our Lady's Dowry*, ch. 3; Brewer's *Historic Note Book*, 329.

⁵ The original is 'tixt dargent.' The meaning is seen in the parallel passage of the will of Martin, Master of the Hospital of Sherburne (1259) — 'textum meum argenteum,' translated as above in *Our Lady's Dowry*, p. 375. See also 'Ordinatio de tixt writers et Lymnours,' *Liber Albus*, 715 (orig. 335 b).

of the house, and [will] that they pray for us. We will also and wish that our executors shall have a silver gilt chalice made of the weight of sixty shillings, to serve in the Chapel of the Trinity which shall be built by us at Lanthony, and that they buy for that [chapel] two pairs of vestments, that is to say, two albs, two amices with the attire ['tier'] which belongs to them, two chasubles of different suits of cloth of gold, with the altar attire ['tyr'] of the suit lined, and curtains, the one pair for day ferials,¹ the other pair for day festivals, and let them offer them altogether in the said Chapel of the Trinity which the prior and convent of our said house shall have built on our behalf in their said house, near the new chamber of the said prior, to remain in the said chapel in perpetual memory of us. And if the said chapel should be begun and not completed at our decease, we wish that our executors have it built entirely at our expense. And if the said chapel should not be begun before our decease, we wish that our executors should have built there a beautiful Chapel of the Trinity, all at our expense. We bequeath also to our Priory of Brecknock 100 marks, to be divided among the monks and to the profit of the house, provided they pardon and assoil us of whatever wrong we have done to them, and pray for us. We bequeath to the Friars Preachers of Brecknock £10, to pray for us, and to the Friars Preachers of Chelmsford £10, to pray for us. We bequeath to our priory of Farleigh 40 marks, to be divided among the monks, to pray for us, and to our Priory of Hurley £20, to be divided among the monks, to pray for us, and to our Priory of Notley 20 marks, to be divided among the canons, to pray for us, and to our Priory of Scoule² 20 marks, to pray for us. We bequeath also to our chapel in our castle of Plessy a chalice and a vestment of green with the garments, a missal, and an antiphoner to serve in the said chapel forever, for the salvation of our soul. We bequeath also to brother William de Monkland, our confessor, £100 of silver and a flat silver cup from which we are wont to drink, a small silver pot, six dishes and six saucers of silver, provided he remain where he can more specially pray for us. And we devoutly pray the provincial prior and all the order aforesaid to grant that the said brother William may stay there always, and that his room may be beautiful and honorable, and such as a master of divinity should have. We bequeath also to brother John de Teye, our illuminator ['luminour'],³ £10, to pray for us. We wish also and will that our executors have thirteen chalices made, in the name of God and of his twelve sweet apostles, and five silver chalices

¹ Holidays on which no feasts are to be celebrated. See Meagher, *Festal Year of the Church*, 60.

² Probably a misreading for Stoneley, or Stoneleigh, in Warwick. See *ante*, p. 425.

³ Limner or illuminator of manuscripts and books. 'Ordinatio de tixt-writers and lymnours,' *Liber Albus*, 715 (orig. 335 b). 'The business of the limner consisted in transcribing books and adorning them with vignettes and illuminated capital letters.' *Liber Albus*, Glossary, 'Lymnour.' Here we have the 'Scriptorium,' common to all the monasteries, in the house of a layman. See *ante*, p. 420, on this interesting fact. The word occurs again below, 'John Luminour.'

in the name of the five joys of our Lady,¹ and that they cause them to be sent to divers poor churches, to each church a chalice, provided we are forever in the prayers of the people worshipping in the said churches. We bequeath also to the Abbess and Nuns of Caen in Normandy £30, to pray for us. We bequeath also to our dear nephew, Humphrey de Bohun,² a gold nouch surrounded with large pearls, having a ruby in the midst set between four pearls, three diamonds between three pearls and three emeralds, and a pair of gold paternosters of fifty pieces having the large beads ['gaudez'] of stone, and a gold cross in which is a piece of the true cross of our Lord. We bequeath also to our niece Elizabeth of Northampton³ our bed having arms of England together with canopy, curtains, and ten [pieces of] tapestry. We bequeath to our niece, Lady Catharine D'Engayne⁴ £40 for her chamber. We bequeath also to our sister, the Countess of Ormond,⁵ two silver pots, twelve dishes and twelve saucers of silver for her house. We bequeath also to our brother my lord Hugh de Courtenay, Earl of Devonshire, a large sapphire stone of delicate blue color. We bequeath also to our sister, the Countess of Devonshire,⁶ our green bed powdered with red roses, together with all the apparel, and a chaplet set with great sapphires and large pearls, and a basin, finally, in which we are accustomed to wash our head, which belonged to madam my mother. We bequeath also to the Abbot of Walden £40. To Sir Nicholas de Newton 100 marks. To Sir Thomas de Walmesford £40. To Sir Stephen atte Roche £20. To Sir William Agodeshalf £10. To Sir Walter Blount and to Marian his wife 100 marks and our best robe with mantle furred with menever, and the said Marian shall have charge of delivering entirely to our executors all our jewels and all our other things which she has charge of, except sheets and coverings which we wish should be divided among our young women, to pray for us. We bequeath also⁷ to Letice de Massendon £20. To Helen Smyth 10 marks. To Tamasine Belle 40 marks for her marriage, or more if she shall be well married. To John de Cherteseye 40 marks, if he shall give aid and attention to our executors. We bequeath to Robert Nobet and to Catharine, his wife, 40 marks. To Simon Peiche £20. To William Nobet £10. To John Mandeville 20 marks. To Ine de Sandhurst 20 marks. To brother William Belle £10. To John Atteford 10 marks. To Thomas Docking £20, if it shall not be advanced before our decease, and if it should be

¹ *Supra*, p. 633, note 4.

² His heir, the seventh Earl of Hereford.

³ Only daughter of his brother William, Earl of Northampton, married to Richard, son and heir to Edmund, Earl of Arundel. *Royal Wills*, 51, note; Dugdale, *Baronage*, I. 186.

⁴ Daughter of Hugh, Earl of Devon (husband of Margaret de Bohun), married to Thomas, Lord D'Engayne. *Dugdale* I. 467.

⁵ Eleanor, his elder sister, wife of James Butler, Earl of Ormond. See her father's will and its reference to her, *ante*, p. 424.

⁶ Margaret, his younger sister. See her will, *post*.

⁷ What follow are gifts apparently to the testator's servants.

advanced we wish that it should be no more than £10. To John atte Roche 40 shillings. To John Bonnallet' £10. To William of the wardrobe £10 and a robe with a mantle for all his pay ['fee']. To Henry Skinner 100 shillings. To John Middleton £10. To Richard Maldon 100 shillings. To Piers Peyn 10 marks. To William Hurle 20 marks and a robe. To Watkin Potter 100 shillings. To Walter of the chamber 20 marks and a robe. To Raunde of the chamber 100 shillings. To Henry of the chamber 40 shillings. To John Rolf 5 marks. To John Limner ['Luminour']¹ 40 shillings. To John red pottager ['rouge Potager'] 40 shillings. To William de Barton, spearman ['hastilier'], 40 shillings. To John Usher 40 shillings. To William Gamage 40 shillings. To John Ralgh, huntsman, forty shillings. To a boy for the farrier 20 shillings. To John Ravenston 40 shillings and an old robe, that is to say, coat and surcoat. To Robert de Legh'es 2 marks. To Salkyn Wystok two marks. To Benoyt of the kitchen 1 mark. To Whitenod 1 mark. To Gibbe Parker 1 mark. To Perimant 1 mark. To Roger Hergest 40 shillings, for livery ['laveurye'] of 1 boy 20 shillings. To six carters, each of them 5 marks, that is to say, to those who have staid longest with us, and to the others of less time according to their stay, by the judgment of our executors. To Master Thomas le Ferour² 5 marks. To Davy who is barber and waterman forty shillings. To a boy workman ['feurer'] 1 mark. And that none of our household aforesaid be paid if not living after our death and staying with us. We bequeath also to the executors of Stephen de Greveshende, late Bishop of London, 20 marks, the which we owe him. We wish also that all the expenses which our executors shall incur either by themselves or by others about the execution of our will they shall pay out of our goods; and [in regard to] the rest of our goods and chattels which are not bequeathed or paid, whatever it is in amount, we wish that it be sold and the moneys collected together and sent to London, and there, according to the judgment of our executors and the wisest brethren there, be appointed to pay our debts so that none shall be in arrears; and as to all the surplus we wish that it be divided and spent in divers alms, namely, in seven³ works of charity and in masses chanted by the holiest men wherever one can find them, and in other alms for the best and most availing profit for our soul. We wish also that according to the advice of our confessor and our executors allowance be made to all the parish churches where we have lived, so that nothing be in arrear of tithes or offerings or anything else which pertains to the right of the church, whatever it be. We wish also that all our jewels which remain to us after our debts [are paid], because we have had great delight in looking at them, that they all be sold and the money spent in divers alms according to the advice of our con-

¹ See *supra*, p. 420. The name no doubt designates the person's occupation — illuminator of manuscripts.

² Probably not a family name, but the farrier.

³ A holy number; the joys of the Virgin are sometimes reckoned as seven instead of five, but it is doubtful whether these are alluded to.

fessor and our executors. Of this our will we appoint and make as our executors brother William, Abbot of Walden, brother William Monkland, our confessor, Sir Nicholas de Newton, and Sir Thomas de Walnesford, and Sir Stephen atte Roche, our clerk. And we pray our very honorable father in God¹ that all these things may be done according to our will. We wish also and will that our executors employ a chaplain, who shall be of good condition, to go to Jerusalem² chiefly for my lady my mother and for my lord my father — to whom may God show true mercy — and for us, and that the chaplain be charged to say masses on the way, every time that he can conveniently, for our souls. And also let our executors employ a good man and true to go to Canterbury and offer there for us 40 shillings of silver; and another such man to go to Pontefract and offer there at the tomb of Thomas, late Earl of Lancaster, 40 shillings.³ We wish also that if we have forgotten to put in our will any of our servants, our executors shall find five chaplains all the year to chant for our soul and for the souls of those who have served us, and to pray for us. We will also and appoint that our executors take £100 and buy a parcel of land and enfeoff John de Mortimer and his children of his body begotten, and that the land be entailed so that it cannot be aliened, if the said John should then⁴ be living, and if he should be at God's command that they make an estate of inheritance forever to his children, to pray for us. We wish also and appoint that immediately after our death our executors and our confessor appoint chaplains, the holiest men they can find, as well secular as religious, to pray for us. In testimony whereof we have fixed our own seal to this will, in our presence in our castle of Plessy, the day and year above written. And because we are of mind to make a chantry with certain chaplains in honor of God and of our Lady and of Saint Anne, to pray for us in manner as shall be appointed, which thing was partly begun and then interrupted by the death of our dear brother, the Earl of Northampton,⁵ whom God assoil, we wish that if the said chantry shall not be finished in our lifetime our executors buy as much land [as is] of the true value of the manor of Dunmow⁶ and finish the said chantry in the Priory of Scoule,⁷ if they can agree, or elsewhere according as they can best do it. We wish also and will that after all these things [are] done, contained in our will above, our executors take 10,000 marks and spend the same by counsel and advice of the brethren above-named in chantries and other seven works of charity,

¹ Simon, Archbishop of Canterbury.

² As to pilgrimages see *Our Lady's Dowry*, ch. 9.

³ This was the Thomas, Earl of Lancaster, who was defeated and taken prisoner at Boroughbridge, March 16, 1321-2, and executed for treason. To the son of his comrade of the Welch marches, and to the nation generally, he was now accounted saint and martyr.

⁴ At the testator's death.

⁵ His brother William, the distinguished military commander, who had died a few months before.

⁶ A Bohun manor in Essex, the subject of *The Flitch of Dunmow*.

⁷ See *ante*, p. 634, note 2.

according as they can best agree that it shall be best for our soul and also for paying debts if any should be in arrear. And let all the rest be spent as is above bequeathed in our said will.

(Probated before Simon, Archbishop of Canterbury, 19th October, A.D. 1361, at the New Temple, London.)

IV

Will of Humphrey de Bohun, seventh (nephew of the sixth) Earl of Hereford of the name. Born in 1341; died in Plessy Castle, Essex, January 26, 1373.¹ *Royal Wills*, 57, for the original.

In the name of God, I, Humphrey de Bohun, Earl of Hereford, Essex, and Northampton, and Constable of England, of good and sane memory, make my will the 12th day of December, in the year of grace one thousand three hundred seventy-two, in manner following. First, I bequeath my soul to God Almighty, to the benign Virgin Saint Mary, and to all the saints of heaven, and my body to be buried in the church of the Abbey of Walden. And I give and bequeath all my goods and chattels, living and dead movables, and non-movables,² of whatever kind they may be, to master Simon by the grace of God Bishop of London,³ Sir ['Monsire'] Guy de Bryane, Sir ['Monsire'] John de Moulton, Sir ['Monsire'] Robert de Tye, John de Gyldesburgh, and Sir Philip de Melreth, to bury my body and to pay the debts of my honored lord and father,⁴ whom God assoil, and also to pay in full my own proper debts; and I will that my said body be buried and the debts of my said very honored lord and father, and also my own proper debts, be paid, and that the residue of all my goods and chattels be used for my soul and for the souls of those to whom I am bound, according to the disposition of the aforesaid bishop, Sir ['Monsire'] Guy, Sir ['Monsire'] John, Sir ['Monsire'] Robert, John, and Sir Philip, whom I make and appoint my executors of this my will, and for the oversight of this, Sir ['Monsire'] Richard, Earl of Arundel and Surrey, Joan, my very dear wife,

¹ He was the last Earl of Hereford, properly; having left daughters only, Eleanor and Mary, before mentioned. Henry Bolingbroke sometimes styled himself Earl of Hereford, in right of his wife, this Mary. The Staffords too, from 1403 to 1521, were styled, along with their other titles, earls of Hereford, through Anne, Countess of Stafford and daughter of Eleanor, Mary's elder sister. In 1550 Walter Devereux, also connected with the Bohuns, through female lines, was created Viscount Hereford, and the Devereux still hold that title.

² This does not mean, as it would now, lands; but just what it did mean is not clear. It was a common expression in wills. Perhaps it was intended as a mere comprehensive term, to cover, with the contrasting word 'movables,' all kinds of goods and chattels whatsoever, especially heirlooms.

³ Afterwards Archbishop of Canterbury; beheaded by Wat Tyler's mob, 1381.

⁴ His father (William, Earl of Northampton) had incurred heavy debts in providing for his French campaigns under the king. The king had reimbursed him only in part. *Rolls of Parl.* IV. 139; Dugdale's *Baronage*, I. 185.

and Adam Fraunceys, citizen of London. Given at Plessy the day and year aforesaid.

(Probated before William Whittlesey, Archbishop of Canterbury, 7th May, A.D. 1373.)

V

Will of Margaret de Courtenay, Countess of Devon, daughter of Humphrey de Bohun, Earl of Hereford and Essex, and Elizabeth Plantagenet, daughter of Edward the First. Born about 1310; married to Hugh de Courtenay August 11, 1325; died December 16, 1391.

Translated from a transcript of the original MS. in the Public Record Office, London (2 Rous), specially furnished.¹

In the name of the Father, Son, and Holy Ghost, I, Margaret de Courtenay, Countess of Devonshire, in good sound life and memory make this my will the 28th day of January, in the year of the Incarnation of our Lord Jesus Christ 1390, in this manner. First, I commend my soul to God and to our Lady Saint Mary and to all the saints of heaven, and my body to be buried in the Cathedral Church of Exeter near my lord.² And I wish that my debts be first paid out of all my goods and chattels which I have on the day of my decease, and that satisfaction be made to all my servants if any of them be in arrear. And I will for my herce and pray my executors that there be no other herce around me except bars to save the people in the press from harm, and two tapers each of five pounds, the one at my head the other at my feet, without torches or other lights or work of carpentry around me. And I wish that on the day of my burial there be distributed among poor men and women £20, and that distribution be made first to women intending to set out for Egypt ['gisauntz en gypsien']³ and to poor men and women who cannot go ['aler'], to each a groat, and then to my poor tenants the remainder. And I wish to be buried at the end of thirteen weeks, and that each day of the said time there shall be said for the souls of my lord and myself 'placebo et dirige,' and masses. And I bequeath for keeping house for the same time £100;

¹ In the margin of the MS., 'Testamentum Domine Margarith Curtenaye Comitisse Devonie matris Domini [Hugonis de Curtenaye, Comitis Devonie].'

² That is, her husband, who had died thirteen years before. The word here and elsewhere in this will translated 'my lord' is 'Mounsire,' or perhaps 'Mounseigneur'; it is written 'Mounsr.' and 'Monsr.'

³ That is, on pilgrimage. 'Gisauntz,' which can hardly be from 'geter' or 'jeter,' much less from 'giser,' is probably from 'quider' ('cuider'), pres. part. 'quisans,' Eng. 'guess' (compare 'quoth' and 'be-queath'), to be thinking or intending (to go). Skeat says that 'guess' is cognate with A.S. 'gitan,' Eng. 'get,' and that 'guess' at first probably meant 'to try to get.' *Etymological Dict.* 'Guess.' 'Trying to get to Egypt' would agree with the idea of the gift. Skeat does not mention 'quider.' On bequests for pilgrimages see Sharpe's *Calendar of Wills*, Introd. II. xxviii.; Bridgett, *Our Lady's Dowry*, chs. 9, 10.

if anything remains thereof I wish that so much in masses be chanted for my soul by the Friars Minorites of Exeter. And I wish that [memorial of] the day of my death shall be kept on the day after my interment. And I will for the souls of my lord and myself during the first year from my decease ten trentals.¹ Item, I bequeath for the souls of my lord and myself to the Friars Minorites of Exeter for chanting seven annual diriges £10. Item, to the Friars Preachers of Exeter for chanting three annuals £4, 10sh. Item, I will for the souls of my lord and myself that one hundred poor men be clothed in coats, hats, shirts ['chemys'],² and breeches ['breis'] and shoes. Item, I will for the souls of my lord and myself that £200 be distributed among the daughters of knights and gentlemen in aid of their marriage portions and to poor clerks³ to find [for them] at school, of which 100 marks to Margaret daughter of my son Philip de Courtenay, in aid of her marriage.⁴ Item, I bequeath for the shrine of Saint Albingh' £200. Item, I bequeath for my niece Courtenay of Canonlegh⁵ 60sh. Item, I bequeath to the Abbess of Canonlegh 14sh. 4d. and to each nun ['dame'] there 3sh. 4d. Item, I bequeath to the Prioress of Polslo 13sh. 4d. and to each nun ['dame'] there 3sh. 4d. Item, to the Prioress of Cornworth 13sh. 4d. and to each nun there 3sh. 4d. Item, to the sisters of Ilchester⁶ 13sh. 4d. Item, I bequeath to the Abbot and Convent of Ford⁷ 100sh. and to each monk ['moigne'] there 3sh. 4d. and to each friar ['frere'] there 2sh. Item, I bequeath to the Prior and Convent of Henton Charterhouse 100sh. Item, I bequeath to the Prior of Bearliche and to the canons there 40sh. Item, I bequeath to our Lady of Walsingham my ring with which I was espoused and 40sh. Item, I bequeath to the Friars Preachers of Exeter 40sh. Item, to the Friars Minorites £10. Item, I pray, my very honored son [Archbishop] of Canterbury⁸ that the said Friars Minorites have £6, 13sh. 4d. to buy off a mark of rent which they carry out of their house yearly.⁹ Item, to the said friars a silver 'fesour'.¹⁰ Item, to brother John Trewynt 100sh. Item, I bequeath to the Bishop

¹ That is (it seems) ten times the thirty masses on thirty days, or three hundred masses in as many days.

² Speaking of the effigy of Richard the First at Fontevraud, as engraved by Stothard, Fairholt (*Costume*, I. 91) says: 'His tunic is white, and under this appears his camise or shirt.'

³ Clergy.

⁴ This provision in regard to marriage portions and poor clerks at school recalls the language of the famous Statute of Elizabeth in regard to gifts to charities. 43 Eliz. c. 4. See 1 Jarman, *Wills*, 200, 6th Am. ed. (Bigelow).

⁵ Canon Hill, Dorset?

⁶ In Somerset.

⁷ Near Exeter.

⁸ This is the William de Courtenay before whom Wiclif had been summoned in 1377. He was then Bishop of London.

⁹ Interest at 10 per cent.

¹⁰ Utensil for dressing the vine. Jaubert's *Glossaire*, 'Fessour, fessoir.' 'Pioche large au milieu de la lame et terminée en pointe.' 'Houe, pioche pour les jardins.' Vayssier's *Dict.*, 'Fessou.' Compare the gift to-day of a silver trowel.

John Ware 60sh. Item, I bequeath to each of the four orders, that is to say, Preachers, Minorites, Carmelites, Austins, 100sh. for their Chapter-general. Item, I bequeath for putting upon the high altar of Crukern¹ 20sh. Item, [upon] the altar of Colyton, 30sh. Item, upon the altar of Exminster 40sh. Item, upon the altar of the Church of Okehampton 30sh. Item, upon the altar of the Church of Chulmley 30sh. Item, upon the altar of the Church of Plympton 30sh. Item, I bequeath for the repair of the chancel of Colyford 40sh. Item, for the repair of the chancel of Musbury marsh² 40sh. Item, I bequeath to the Cathedral Church of Exeter a pair of basins which were for [washing] the hands of my lord for every day for ministering at the high altar. Item, I bequeath to William my son, Archbishop of Canterbury, a gilt chalice and my missal which I had from Sir William Weston, and my best bed with all the apparel which he may wish to choose, and my diamond which I had from Joan my daughter and 40 marks for a vestment and a silver gilt goblet ['godet'] which I had from my brother of Northampton.³ And I wish that the aforesaid bed, after the decease of my said very honored son, remain in the Priory of Canterbury. Item, I bequeath to my said very honored son a pair of silver basins with the arms of Courtenay on the bottom, with God's blessing and my own. Item, I bequeath to Sir ['Monsire'] John Cobham⁴ a silver hanap with cover [having the figure] of an eagle. Item, to my daughter Cobham £40. Item, to my daughter Luttrell £40 of that which she owes me and a tablet of wood painted for each day, for the altar,⁵ and my tablet of Cypress [Ipres work ?] with the [figure of a] hand, and my book called Tristram. Item, to my daughter Dengayne £40 and my two primers, and a book called Artur de Britaigne.⁶ Item, I bequeath to my son, Earl of Devonshire, all my swans in the town of Toppesham and twelve dishes and twelve saucers of silver and two silver chargers. Item, to my daughter, the countess, his wife £20. Item, I bequeath to my son Philip de Courtenay all my chapel [furnishing] with books, vestments, candlesticks, censers, surplices and all other appurtenances of my said chapel, except what I have otherwise willed by my testament. Item, a silver hanap, covered and gilt, which belonged to the Bishop of Exeter, and a pair of basins enamelled in the bottom with the arms of Hereford and Courtenay quartered. Item, a wagon ['caru'] with all the apparel, at Thurlston. Item, another at Yelton and another at Brodewyndesore,⁷ and the crucifix which I have carried for my worship and that Richard, his son, shall have it after his decease, with God's blessing and mine. Item, I bequeath to my daughter

¹ In Dorset.

² This was not the only Church-in-the-Marsh; there was a church of Stratford-in-the-Marsh — the Stratford near London. Most of the places just named in the text bear the same names still, and are in Devonshire.

³ William de Bohun, Earl of Northampton.

⁴ Her son-in-law.

⁵ See Inventory, *ante*, p. 430, among effects of *Eleanor*, sister of testatrix.

⁶ The original, probably, of the romances of King Arthur.

⁷ Broad Windsor, in Dorset.

Lady Anne Courtenay a ring having a diamond, which I had from herself, [the ring being?] of gold chains,¹ and £20. Item, I bequeath to Peter, my son, my red and green bed striped, with all the apparel, together with a Holland quilt ['quntepoynt'] striped with peacock's feathers and red velvet, a pair of sheets of Liège² linen [figured] with quatrefoils, together with the best coverlet of menever, and a pair of silver basins having the arms of Hereford and Courtenay quartered in the bottom, enamelled, and a wagon ['carru'] with the apparel at 'Esteoker,' with God's blessing and mine. Item, to Sir ['Monsire'] Hugh Luttrell six dishes and six saucers of silver. Item, I bequeath to Richard Courtenay certain silver vessels of the value of £100, and that my very honored son of Canterbury have them in his keeping until he shall be of full age. And if he die under age, that my said very honored son dispose of them for my soul. Item, I bequeath to Hugh, son of the Earl of Devonshire, my little [grand] son, six dishes and six saucers of a sort. Item, I bequeath to Anneys Chamber[n]on³ £13, 6sh. 8d. and a book of 'Medycyns et Marchasye,' and another book called 'Vices and Virtues,'⁴ and a book called 'Merlyn.'⁵ Item, to Alyson Anst 60 shillings. Item, to Margaret Drayton, my little [grand] daughter, £10, the which I have for her in my keeping, and also that she have £20 in the distribution of the £200 aforesaid. Item, I bequeath to the altar of the tomb of my lord and myself six towels having six frounces and twelve other towels, six pieces of linen for the altar, six albs, six amices having the apparel, six chasubles, six stoles together with six fanons, and two cruets of the round sort. Item, I bequeath to Thomas Staneys my beautiful diamond which I had from the queen.⁶ Item, to Sir Stephen the hermit ['Lermyte']⁷ of Crukern 40 shillings. Item, to John Radston 100 shillings. Item, to William Bykebury, to stock his lands, £20. Item, I wish that little Richard Hydon have 100 shillings of the £200 aforesaid, and that it be put to increase for him. Item, to Richard Trist 60 shillings (of the £200 aforesaid and that it be put to increase for him).⁸ Item, to

¹ 'Un anel ove un dyamaunt qe ieavoye de luy mesmes de Cheynes dor.'

² A town in modern Belgium.

³ Probably the familiar Devonshire name Champernown, a family settled there before the time of this will (*Gentleman's Magazine*, III. 156, ed. Gomme), though, strangely enough, not appearing in the Index to *Calendarium Genealogicum*.

⁴ 'Vices and Virtues' appears also in the will of Eleanor, Duchess of Gloucester, *post*, p. 647. The MS. has been printed by the Early Eng. Text Society, London, 1888, under the title, 'Vices and Virtues, being a soul's confession of its sins with Reason's description of the Virtues. A Middle-English dialogue of about A.D. 1200.' Edited by F. Holthausen.

⁵ Early Eng. Text Society, Wheatley; also in Geoffrey of Monmouth. And see Ellis, *Early English Metrical Romances*.

⁶ Probably Isabella, wife of her uncle, Edward the Second.

⁷ As to bequests to hermits and anchorites see Sharpe's *Calendar of Wills*, Introd. II. xxi. Most of the legatees following were probably of the household of the testatrix.

⁸ The words in parenthesis inserted, 'vacat.'

my monk¹ of Donkeswelle 40 shillings. Item, to Sir Henry Brokelond 40 shillings. Item, to Sir John Dodyngton six dishes, six saucers of silver, and my red missal, and a lean colt. Item, to Sir John Stowford 60 shillings. Item, to Sir Laurens Hankyn 100 shillings. Item, to Sir John Hamond 60 shillings. Item, to Sir Nell Brode 40 shillings. Item, to Sir Thomas Attelee 100 shillings. Item, to Sir John Dagnel, parson of Ken, 40 shillings. Item, to Sir Walter [architect ?] of my lord's tomb 60 shillings. Item, to Otis Chambernon 100 shillings and a good colt. Item, to Henry Burton £13, 6sh. 8d. and the best horse-colt which he may wish to choose. Item, to Jankyn Farewey 60 shillings. Item, to William Amadas 60 shillings. Item, to Jankyn Baret 40 shillings. Item, to the Bishop of Exeter the best gold paternoster which I have. Item, to the Abbot of Clyve 60 shillings. Item, to John Roger £10. Item, to John Spore 60 shillings. Item, to Simkin, clerke of the kitchen 100 shillings. Item, to Robert Halle 60 shillings. Item, to Baldwin Haghell 60 shillings. Item, to William Fychet 60 shillings. Item, to John Blessy 100 shillings. Item, to William Rohe 40 shillings. Item, to John Freke 40 shillings. Item, to Richard Baldwin 40 shillings. Item, to Walter Secher 40 shillings. Item, to Roger Thorneston 40 shillings. Item, to Thomasyn Lavandre² 40 shillings. Item, to Alice her handmaid ['damisel'] 13sh. 4d. Item, to John Damisel Gardiner³ of Exminster 13sh. 4d. Item, to William Allen 13sh. 4d. Item, to Thomas Perkyn 20 shillings. Item, to Bertlot 20 shillings. Item, to Walter Squillere 13sh. 4d. Item, to Thomas Love 13sh. 4d. Item, to Andrew Baker 13sh. 4d. Item, to John Hicks 13sh. 4d. Item, to William Typpe 40 shillings of the £200 aforesaid. Item, to William Porter 20 shillings. Item, to Bendbowe 13sh. 4d. Item, to Walter, page of the stable, 13sh.⁴ Item, to John Matford 13sh. 4d. And I bequeath all the residue of all my goods and chattels not willed in this my testament to my said very honored son the Archbishop of Canterbury to dispose of for my soul. And I make and appoint my said very honored son, the Archbishop of Canterbury, and Sir ['Monsire'] John Cobham overseers ['surueyours'] of this my testament to oversee that all my will be accomplished. And for accomplishing this my testament I make and appoint as my executors my very dear sons Philip de Courtenay, Peter de Courtenay, Robert Wylford, Sir John Dodyngton, Otis Chambernoun and Stephen Denclive for the performing⁵ [the same] under the oversight of the said overseers in manner as aforesaid.⁶

[Probate not given.]

¹ With 'mon moigne' compare 'monsire,' in the usage of the time. Both denote intimacy.

² Tamasin of the laundry, probably.

³ *Sic*; but not to be taken as a person having three names. 'Gardiner' probably signifies occupation. 'Damsel' is odd.

⁴ These items, '13sh. 4d.' being a mark, it is probable that there is an omission here of the '4d.'

⁵ Redundant words.

⁶ Of the many great estates of the testatrix (Dugdale's *Baronage*, I. 640, for the

VI

Will of Eleanor, Duchess of Gloucester, elder daughter of Humphrey de Bohun, last Earl of Hereford, and widow of Thomas of Woodstock, Duke of Gloucester. Born in 1359; died in Plessy Castle, Essex, October 3, 1399.¹ *Royal Wills*, 177, for the original.

In the name of God, amen. I, Eleanor, Duchess of Gloucester, Countess of Essex, &c., being of good and sane memory, in my castle of Plessy, the ninth day of August, the year of our Lord one thousand three hundred and ninety-nine according to the course of the Church of England, regarding and considering the evils and uncertainties of this variable and transitory world, appoint and intend ['devise'] my last will and testament as follows. First, I commend my soul entirely to the great and innumerable mercies of our all powerful and very merciful Lord Jesus Christ, asking for the aid of his holy mother, the very humble Virgin, our very sweet Lady Saint Mary, of my Lord John the Baptist, and of all the company of heaven. Item, I will for my burial that my body be buried in the Church of Westminster Abbey, in the Chapel of Saint Edmund the King and of Saint Thomas of Canterbury, near the body of my lord and husband Thomas, Duke of Gloucester, and seventh son of King Edward the Third, and should it happen that the body of my said lord² and husband in time to come should be removed I wish that my body repose and remain in the aforesaid chapel and place.³ And I will and appoint that on the day of my burial my executors provide that my body be covered with a piece of black tapestry with a white cross and escutcheon of my arms in the midst of the said cross, and four round wax tapers and seven plain lamps standing at

list), one, Powderham, near Exeter, brought by her to her husband, is still the seat of the earls of Devon. The present earl, a descendant of one of the younger sons of the testatrix, is Rev. Henry Hugh Courtenay, Rector of Powderham. From the Courtenays, through the Grenvilles of Devon and Cornwall, has descended the distinguished family of Drakes of Ashe and other places in Devon; one of whom, John Drake, of Wiscombe, came to New England in 1630 and settled in Windsor, Connecticut, about 1636. From him, and two others of the Drake family who followed some years later, there are many descendants now living in the United States.

¹ On the murder of her husband Eleanor took the religious habit in the convent of Barking, Essex. She was buried in Saint Edmund's chapel, Westminster Abbey, as she had requested, under a monument of marble having beautifully inlaid upon it, in brass, an effigy of herself at full length, in the garb of a nun. The effigy still remains. A full-page cut of it is given in Sandford's *Genealogical History*, opp. p. 229.

² The original, in *Royal Wills*, here and elsewhere is 'mon seigneur.'

³ Her husband had at first been buried in the College of Canons-regular, founded by him at Plessy; whence his remains were removed to Westminster Abbey and placed under a monument in marble, inlaid with brass, containing full-length figures of himself, wife, father, mother, brothers, and sisters. A full-page cut is given by Sandford opp. p. 231. The monument was long since robbed of its brass. Eleanor seems to have feared that her husband's remains might be removed again.

the four corners. And let there be fifteen men specially chosen for their loyalty to and fear of God, of whatever age or utter poverty, according to the discretion of my executors, each of the said poor men holding a torch, that is to say, five at the head and five at each side, and let each of the said poor men be dressed in a gown, a hood, and a pair of breeches of good strong blue cloth of deep color, and let the said gowns and hoods be lined with white; also let there be given to each of them a pair of shoes and a pair of linen shirts and twenty pence silver ['esterlinges']¹ to pray for my soul and for the soul of my lord and husband aforesaid, and for all the living and dead in particular to whom I am bound, and for all Christians. Item, touching the aforesaid tapers [and] lamps, let there be no torches nor any other manner of lights around my dead body except only at the time of divine service, and, that done, the rest of the tapers, lamps, and torches be given to the service of the said chapel in which I am buried.² Item, I bequeath to the Convent of Monks of the said Abbey of Westminster on the day of my burial £10 of money for their pittance. Item, I bequeath to be distributed among the poor, according to the judgment of my executors, on the same day 100 shillings. Item, I bequeath to the Abbess and Convent of Sister Minoresses near London, without the gate of Aldgate, on the same day, for their pittance £6, 13s. 4d. and a small tun of good wine. Item, I bequeath to the Prior and Convent of Lanthony near Gloucester £13, 8s. 6d. And to Sir William Sheldon, canon of the said place, 100 shillings. Item, I bequeath to the Church and Abbey of Walden, where my lord and father, Humphrey de Bohun, last Earl of Hereford, Essex, and Northampton, Constable of England, is buried a vestment, with field of balderkin³ blue, diapered with other colors, [figured] with harts on cloth of gold of Ipres⁴ work, that is to say, two table-furnishings, a frontel, a chasuble, two tunics, a cope, three albs, three amices, together with the paraphernalia pertaining to them, and the gold fringes of the said vestment, the whole being of fine gold of Ipres, the field

¹ At this time (1399) the esterling or silver penny contained 18 grains of silver (Shaw's *History of Currency*, 43; *ante*, p. 424, notes), a little more than two pence to-day, or about 4½ cents. Twenty esterlings would therefore amount to 90 cents; which multiplied by 15 to get at the purchase-power in labor of to-day, gives \$13.50 as the money gift to each of the fifteen poor men.

² With the provision for poor men and lights at the funeral, compare the following from the will of Sir Thomas Brooks, *Fifty Earliest English Wills*, 129 (1438-9): 'And also that ther be xiii pore men clothid in white, holdyng eche of hem a torghe brennyng at the dirige and at the masse yn the day of my obyte. And afterward the torgis to be dalt iii of hem to the Chirch of Thornecombe, and the remaynande of the torgis to x of the nedyst paryschirches yn the Cuntr: by sidys.' As to the number thirteen, see *ante*, p. 631, note 3.

³ Cloth from the East of the richest kind — 'pannus omnium ditissimus' — of silk and gold thread. Du Cange. See also Sharpe's *Calendar of Wills*, Introd. II. xii., where it is said to be a rich brocade woven with gold thread.

⁴ Made at Ipres in Flanders. Ipres is here and elsewhere written 'Cypre,' just as Ipswich constantly appears in early times as 'Gipswich.' The cloth here referred to is generally called at the time gold of Cypres cloth.

red. Item, I appoint and will that my executors celebrate, within as short time after my death as they can, a thousand masses for my soul; twenty of the Assumption of our Lady, one hundred and fifty of the Requiem, fifty of my Lord Saint John the Baptist, fifty of Saint John the Evangelist, fifty of Saint Leonard, thirty of All Saints, fifty for the soul of Thomas sometime Duke of Gloucester, twenty of the Nativity of our Lord, twenty of the Resurrection, twenty of the Ascension, fifty of Saint Michael Archangel, twenty¹ —; and as to all these said masses, before the priest begins 'Et ne nos,' the said priest shall say aloud, turning towards the people, 'For the souls of Thomas sometime Duke of Gloucester and Eleanor his wife and all Christian souls for charity, pater noster,'² and [then] shall he turn towards the altar and say in secret a pater noster and begin the mass; and in all the said masses shall be said the prayer of 'Deus qui es summa nostrae redemptionis, spes, qui in terra promissionis,' &c., with the 'secretum' and 'post communionem' and the names of my said lord and myself, the said Thomas and Eleanor. Item, I bequeath to madam, my mother, the Countess of Hereford,³ a pair of coral paternosters having fifty large beads, five of them of gold, in the form of 'longets swages,'⁴ and stamped, asking each day some blessing entirely for my poor soul. And in case my said lady die before me, then I bequeath the said paternosters to the Abbess of the Church of Sister Minoreesses aforesaid, to remain there in the said abbey from that time forth for a memorial of me. Item, I bequeath to my son Humphrey⁵ a bed of black cloth damask. Item, a bed of silk balderkin, the field blue, with white fabrics and canopy entire,⁶

¹ No designation of these, or of the remaining; only 510 are here mentioned, including the twenty unnamed.

² This is in English in the will, and was so to be spoken, so that the audience might all understand.

³ Joan, fourth daughter of Richard Fitz-Alan, fifth Earl of Arundel. She survived her husband forty-six years, dying April 7, 1419.

⁴ The first of these words has not been met with elsewhere. The second word occurs again, lower down, in this will, and also in the following sentence in the will of Richard, sixth Earl of Arundel, husband of Elizabeth, daughter of William de Bohun, Earl of Northampton: 'Item, deux chaundelers d'argent . . . ove haut pees et mees eschochouns pendantz ove trois quatres sur mesmes les chandelers et les *suages* enbatailleez et enorrez.' *Royal Wills*, 129. It is probably our word 'swage,' which as a noun means a tool or die for imparting a given shape to metal when hot. The instrument is of many forms. See cuts in *Century Dictionary*, 'Swage.' The verb means, of course, to shape in a swage. Compare also the noun 'swag,' — in decorative art an irregular or informal cluster: as a swag of flowers in the engraved decoration of a piece of plate. *Century Dictionary*.

Rosaries such as the one here mentioned were worn by the rich as ornaments, usually being suspended from the girdle. The beads were often very large.

⁵ Her only son the Earl of Buckingham, sent out of the way into Ireland by the king (a fact alluded to below, in this will), and afterwards imprisoned there. Released on the accession of Henry the Fourth, and sent for by the king, he lost his life on the way home, before the death of his mother.

⁶ 'Celour entier.' In English of the time 'hool celure.' *Fifty Earliest English Wills*, 5, last line. 'Celour' occurs also as 'ceil' and 'ciel.'

testerns, coverlets, curtains, and tapestry belonging to it. Item, two pairs of Rennes¹ linen sheets, the one pair having [figured] trefoils, the other quatrefoils. Item, three pairs of sheets of other linen cloth of best quality. Item, a pair of fustians,² two pairs of blankets, two mattresses of best quality with all belongings and stuff, which were delivered to his servants on his departure from London for Ireland. Item, a cup of beryl engraved, having a long handle, and set upon a gold foot, with a wide border above, and a cover all of gold, with one large sapphire upon the handle of the said cover. Item, a Chronicle of France in French, with two silver clasps, enamelled with the arms of the Duke of Burgoyne. Item, one book of Giles³ De Regimine Principum. Item, a book of Vices and Virtues,⁴ and another poem of the story of Chivaler a Cigne,⁵ all in French. Item, a psalter well and richly illuminated, with gold clasps enamelled with white swans, and the arms of my lord and father enamelled on the clasps, and other bars of gold with work in form of mullets, which psalter was given to me to remain to my heirs, and so 'from heir to heir aforesaid.'⁶ Item, a coat of mail having a cross of brass marked on the spot opposite the heart, which belonged to my lord his [my son's] father. Item, a cross of gold hanging by a chain, having a figure of the crucifix and four pearls

¹ A town in France.

² Fustian was, it seems, a kind of thick twilled cotton; here of bed-clothing. See Fairholt; Sharpe's *Calendar of Wills*, II. xii.

³ Ægidius, or Giles, a disciple of Thomas Aquinas. The book referred to was a long one, on the education and governing of princes. A metrical translation ('Governail of Princes') was made a little later by Occleve or Hoccleve. In Shaw's *Dresses and Decorations*, II., there is a plate of Occleve kneeling and presenting a copy of his translation to the Prince of Wales, afterwards Henry the Fifth, nephew of the testatrix. Thomas Wright edited the poem of Occleve for the Roxburghe Club, in 1860. See also *Specimens of English Literature*, by Skeat.

⁴ See *ante*, p. 642, will of the Countess of Devon, great-aunt of the present testatrix.

⁵ To this Knight of the Swan, a mythical personage, the Bohuns and other great people professed to trace their ancestry. Hence the badge of the swan, with the Bohuns. But knights in general were sworn before the swan. On Whitsuntide, in 1306, the king conferred knighthood, as we are picturesquely told by Piers Langtoft (*Siege of Carlaverock*, Nicolas, 194), Trivet, and others, upon the Prince of Wales and three hundred more (by *Chron. of London*, p. 41, 'there he doubbed cclxxx knyghtes') in splendor. Two swans in trappings of gold are brought before the altar; the king is in the midst of the feast, surrounded by the new knights; and now a multitude ('multitudo') of minstrels enter in gay attire and call upon the knights, especially the new ones, to make vow of arms 'coram cygno.' Trivet, 342; *Siege of Carlaverock*, Nicolas, 370. Then the king himself swears 'before heaven and the swans' to avenge the murder of Comyn by Bruce. Matthew of Westminster, anno 1306. 'The Swanne is goon,' sang a poet on the death (1446) of Humphrey, Duke of Gloucester, son of Mary de Bohun and Henry Bolingbroke, Protector of Henry the Sixth and Father of his Country. *Battle Abbey Roll*, I. 73, Duchess of Cleveland.

⁶ The only explanation of the word 'aforesaid' is, that this is a quotation from the terms of the gift, perhaps a will. The book was in law an heirloom, and being a present to the testatrix as an heirloom, was probably illuminated by 'our illuminator.' See *ante*, p. 420.

around it, with my blessing, as a thing of mine which I most love.¹ Item, I bequeath to my daughter Anne² a pinner ['espiner,' apron] of linen cloth, bordered on the sides with red 'Accuby' and embroidered, and surrounded with a band not embroidered. Item, a beautiful book and well illuminated in gilt lettering, in French. Item, the best palfrey I have. . . .³ Item, a pair of gold paternosters containing [beads for] thirty Aves,⁴ and four jet ornaments, which belonged to my lord and husband, her father, with my blessing. Item, I bequeath to my daughter Joan⁵ a bed of silk of black balderkin, the best. Item, a bed of cloth of gold of Ipres having [figures of] swans and the letter Y, with canopy entire. Item, a little bed of white tartary worked with lions and swans, with canopy entire for a small room ['closet'] and of these said beds which want curtains with tapestry, I wish that such be bought suitable for them according to the advice of my executors. Item, two pairs of Rennes linen sheets, the one pair [figured] with trefoils, the other with quatrefoils. Item, four pairs of sheets of other linen cloth of the best. Item, two mattresses, one pair of fustians, three pairs of blankets, besides all the jewels together with their belongings to be to her own use.⁶ Item, twelve dishes and twelve saucers of silver, marked with my arms. Item, a silver gilt hanap having a cover, and stamped with mottoes of April, and standing upon a foot. Item, a flat basin and a ewer of silver having my arms enamelled on the rim of the said basin and the 'swages'⁷ gilt. Item, six pieces of new silver [plate] and two silver quart pots and twelve silver spoons. Item, a book having the psalter, primer,⁸ and other devotions, with two gold clasps enamelled with my arms, which book I have much used, with my blessing. Item, I bequeath to my daughter Isabella, sister of the aforesaid Minoresses, a bed of cloth of gold of Ipres, striped black and red, with canopy entire, testern, coverlet, curtains, and tapestry. Item, a French Bible in two volumes, having two gold clasps enamelled with the arms of France. Item, a book of Decretals in French. Item, a book of Mystery Stories.⁹ Item, a book 'De Vitis

¹ All the foregoing to Humphrey; but the gifts lapsed by his untimely death. See *supra*.

² Afterwards Countess of Stafford, ancestress of the Devereux, Viscounts of Hereford.

³ *Sic*.

⁴ The salutation to the Virgin Mary — 'Hail, Mary,' etc. See *Fifty Earliest English Wills*, 58, l. 26.

'To number Ave Marias on his beads.' — *Shakespeare*.

The word 'aves' is here printed 'ariez,' an obvious error of the types.

⁵ Afterwards married to Gilbert, Lord Talbot of Godrick Castle and Blackmere.

⁶ Here follow the words 'devant lescriv . . . [sic] de cestis,' containing some incompletely expressed idea. Perhaps the testatrix meant to say, 'before the writing of this will delivered to her.'

⁷ See the note *supra*.

⁸ Prayer-book for the laity, containing (*inter alia*) 'elementary instructions and prayers, as the creed, Lord's prayer, angelic salutation, and ten commandments.' Bridgett, *Our Lady's Dowry*, 158. On p. 159 the passage *supra* is quoted. See also *id.* 421.

⁹ There were various books of 'meistre histories.' A collection called 'Early Mys-

Patrum,' and the Pastorals of Saint Gregory. Item, an old psalter as far as the nocturn of 'Exultate,' glossed, another new book of the psalter glossed from the prayer 'Domine exaudi' as far as 'Omnis spiritus laudet dominum.' The said books are in French. Item £40 in money. Item, a girdle of black leather having a buckle and pendant and twelve round and plain bars of gold, which belonged to my lord and husband, her¹ father, the which he used much in life and afterwards had in his last sickness,² with my blessing. Item, I appoint and will that my debts be well and legally paid and my will performed, that all the rest of my goods movable and non-movable³ shall remain in the hands of my executors and executrix for each to dispose of among my poor servants, and to do and appoint for the soul of my said lord and husband and my own, and for all the living and dead to whom we have been bound, according to the discretion and disposition of my executors and executrix, with the assent of my overseers. Item, I prohibit all my children and each of them, as far as I can, from disturbing my executors in any way in distributing any manner of my said goods according to my desire and will and their discretion. I appoint and will that if it should happen that any of my said children should die before me,⁴ or before they are of age a year after my death, all the goods which I have bequeathed to them remain at the disposal of my executors like my other proper goods, to do for themselves and for me according to their good advice and discretion, except the £40 and the girdle which I have bequeathed to my daughter Isabella [which] I wish to go to the Abbess and Church of Sister Minoresses aforesaid, according as happens to my said daughter Isabella. To this my last will, appointment, and testament, I appoint, make, and establish these my executors and executrix, Sir ['Monsire'] Jerard Braybrook Jr., Sibilla Beauchamp, John de Boys, steward of my house, Sir Nicholas Miles, parson of Debden,⁵ Sir Hugh Painter, chaplain of my free chapel in the castle of Plessy, Sir William Underwood, parson of Dedham, William Newbole, and my overseers, Sir Robert Exeter, Prior of Christ Church in London, my very dear cousin Sir ['Monsire'] Thomas Percy, Earl of Worcester, my worthy friend Sir Thomas de Stanley, clerk of Rolles.⁶ In testimony of which my last will, appointment, bequest, and testament, I have myself written these presents and put my seal [thereto] the year, day, and place above stated.

ALIANORE &c. +

(Blank left for probate).

MELVILLE M. BIGELOW.

teries and other Latin Poems of the twelfth and thirteenth Centuries,' was edited by Thomas Wright, London, 1838.

¹ Isabella's.

² He was put to death by smothering; but his widow must needs veil the fact.

³ See *supra*, p. 638 note 2.

⁴ The death of her son Humphrey came within this provision.

⁵ To which he was presented July 18, 1387, by the Duke of Gloucester, husband of the testatrix, in her right.

⁶ Perhaps in the Chancery.

THE BATTLE OF LONG ISLAND

"THE dilatoriness and stupidity of the enemy saved us," wrote General Charles Lee to Washington in July, 1776, immediately after the repulse of the British fleet under Sir Peter Parker in the attempt on Charleston. The same qualities in those opposed to him, combined with an almost amazing element of pure luck, saved Washington and the cause of American independence at New York less than two months later; for not often has a force on which great results depended found itself in a worse position than did the Americans then; and seldom has any force in such a position been afforded equal opportunities for escape.

The first and most striking thing that impresses one wishing to understand the strange military fiasco which took place about New York during the months of August, September, and October, 1776, is the dazzling effect on the eyes and judgment of historians of the glamour which surrounds Washington. That he should have been responsible for grave errors of military judgment which ought under any reasonable doctrine of probabilities to have ruined the American cause and deprived the world of one of its immortalities, that he should have involved his army in disaster and disgrace as the result of hesitation at a time when decision was essential, — is something not to be admitted. The mere suggestion of such things is unpatriotic; but, none the less, it seems to have been the case. At Long Island, Bunker Hill was fairly outdone; and not even "the dilatoriness and stupidity of the enemy" saved the Patriots from a disaster which in no way, moral or otherwise, could be exploited as a victory; while to chance alone was it due that the calamity, great at best, was not irretrievable and final.

The British evacuated Boston on the 16th of March. The point at which the next blow would be struck could only be surmised by those in charge of the Patriot cause, but New York naturally suggested itself. Obviously it was the strategic centre. Early in the year a movement in that direction was anticipated, and accordingly General Charles Lee was detached from the army before Boston and went by order of Washington to New York, arriving there on the 4th of February. He at once took in the difficulties of the situation. "What to do with this city," he wrote to Washington,

"I own, puzzles me. It is so encircled with deep navigable water, that whoever commands the sea must command the town." Thus the command of the sea was manifestly the key of the situation at New York; and the British held that key.

Lee, nevertheless, planned such a system of defences as seemed practicable; but, being subsequently assigned by Congress to the command of the Department of the South, he left New York on the 7th of March, leaving Stirling in temporary charge. Shortly after, Stirling was superseded by Putnam, who came under instructions from Washington to go on with the defences according to Lee's plans. On the 13th of April, Washington himself arrived, and assumed command.

Although Washington had taken it for granted that the British fleet when it sailed from Boston in March would proceed at once to New York, instead of so doing it went to Halifax, there to refit; and it was not until June 29 that the expedition arrived at Sandy Hook, inside of which it came to anchor. Landing his army on Staten Island, General Howe there awaited the arrival of additional ships and reinforcements, then shortly looked for, under command of his brother, Admiral Lord Howe. They appeared in July.

Washington then found himself in command of some 9000 so-called effectives, "2000 of whom were entirely destitute of arms." They were imperfectly organized, insufficiently equipped, largely composed of unreliable militia, without adequate artillery, and without any cavalry. Such as they were, they had absolutely no naval support. The problem before Washington was with such means to defend against a thoroughly equipped and disciplined force of twice his size, supported by a powerful fleet, a place at the absolute command of whoever controlled the sea. As the result showed, the problem did not admit of successful solution. Yet for two whole months Washington confronted it, studying it doubtless in every aspect; and not once does it seem to have occurred to him that it was insoluble, or that an attempt at its solution was fraught with excessive danger. During that time he wrote many letters and some formal reports; but in not one of them does he even suggest that the course pursued was opposed to his military judgment or based on incorrect strategic principles. He never even hints that he is taking what seems to him a dangerous military risk under a pressure of political necessity. On the contrary, even after the inevitable disaster had befallen him, he frankly wrote, "Till of late, I had no doubt in my own mind of defending this place."

Yet in this attempted defence Washington was compelled to violate, and did violate, almost every recognized principle of warfare. To defend New York it was absolutely necessary to hold the heights of Brooklyn, opposite the city; for those heights, as did Bunker Hill in the case of Boston, commanded New York within easy artillery fire. But Brooklyn was on an island, and was separated from New York by deep navigable water. Above New York, on both sides, east and west, were other wide, navigable channels, which also had to be covered. In order to protect the place, therefore, Washington had to divide his inadequate force to such a degree that, even if his enemy through their command of the sea did not, the moment active operations began, cut him completely in two, it was wholly out of the question for one portion of his army, in case of emergency, to support or assist the other portion. But again, if any successful resistance was possible, it was only possible through holding to a policy of intrenchments. The Patriot force should have been kept within the most limited and strongest lines of defence possible; and, as at Bunker Hill, it should have been prepared to resist attack in front, trusting to the incompetence of their opponents that the attack would not be made from the rear. In case the attack was from the rear, with the enemy in absolute control of the water, and free to strike when and where he pleased, the Patriot army was manifestly in imminent danger of destruction. Precipitate retreat only could save it; as, in the end, it did save it.

Under such circumstances, Washington not only divided his inadequate army, but when his enemy obliged him by attacking just where he wanted to be attacked, in full front, instead of awaiting the assault within his lines, as did Prescott at Bunker Hill, Washington actually went out to meet it, challenging the fate which befell him. And at last, even his own excellent management in the moment of disaster could not have saved the Patriot cause from irretrievable ruin and himself from hopeless failure and disgrace, had it not been combined with almost miraculous good-luck, to which the "dilatoriness and stupidity of the enemy" most effectively contributed at the very juncture when those under him confidently wrote that Howe would not give his opponent "time to breathe, but push his successes like a winning gamester."

Though General Howe had come to anchor inside of Sandy Hook on the 29th of June and been joined there by Lord Howe and the fleet on the 1st of July, it was not until the 22d of August that active operations on Long Island began. During that long interval of over seven weeks of the best campaigning weather of

the whole year, the British army rested quietly in its summer camp on Staten Island. On the 12th of July two English ships, respectively of 40 and 20 guns, had with perfect impunity run by the defences of New York and gone up the Hudson to the Tappan Sea, where they lay in apparent perfect security, with awnings stretched, sleeping in the sunshine, until the 18th of August; a sufficient indication of how complete was the British command of the sea, and how futile were the American efforts to obstruct the navigable channels. On the 7th of August thirty transports, under convoy of three frigates, put to sea with the design of going around Long Island, and so threatening New York and the American line of retreat from the East River. Meanwhile, the two Howes were in daily communication with Governor Tryon, who was on board one of the English ships of war, and through the royalists of the mainland and Long Island, had all necessary information not only as to localities and roads, but in regard to the movements of the Patriots. They lacked neither guides nor pilots, and were plentifully supplied with provisions. Under these circumstances, with an enemy greatly superior both in numbers and in equipment in undisputed control of the sea, and actually cutting off his communications with the west bank of the Hudson, it was small matter of surprise that, as the weeks dragged on, many of Washington's ablest advisers looked on the situation with uneasiness. They feared being entrapped "on this tongue of land, where," as one of them later expressed it, "we ought never to have been."

Besides the fleet, the British commander had, by the middle of August, 30,000 men in a high state of efficiency, with a large park of artillery and a small body of cavalry; Washington had nominally 17,500 men, of whom about 14,000 were fit for duty, with a few pieces of field artillery, but no mounted force. And with such means at his command, incredible as it seems, he actually thought he could defend a land and water front of nearly thirty miles, vulnerable in front and flank and rear, besides being cut in two by a navigable channel both broad and deep; while the enemy, greatly superior in mere numbers as well as in discipline and equipment, was, through an undisputed command of the water, free to concentrate himself for a decisive blow at any point. Neither did Washington indulge in any false confidence in the efficacy of his batteries to check the enemy's vessels of war; on the contrary, as he himself wrote a whole month before the battle of Long Island, he "had long most religiously believed that a vessel with a brisk wind and strong tide cannot, unless by a chance shot, be stopped by a battery."

Meanwhile, the interior works at Brooklyn alone called for a force of at least 8000 men to hold them with any prospect of success; while the exterior lines before Flatbush required an equal number, if the enemy was to be retarded there even for a day. In other words, if Howe was, as at Bunker Hill, obliging enough to attack the position Washington had chosen full in front and by land alone, without any co-operation from the fleet, and leaving his opponents' flanks and rear quite unmolested, — even in this case more than the whole force of the Patriot army would be needed for the defence of Brooklyn alone.

At last, everything, after weeks of apparently needless procrastination, being in readiness, the Howes determined to strike, and on the 22d of August, Sir Henry Clinton, with 15,000 men, one regiment of cavalry, and forty pieces of artillery, crossed over from Staten to Long Island and landed, unopposed, at Gravesend. It was evident where the blow by land was to be looked for. Brooklyn was the enemy's military objective; or at least one of his objectives. The difficulties of his situation, not to say its impossibilities, must, it would seem, have now dawned on Washington's mind. The position could hardly have been worse. As he himself mildly put it, making no allusion to a hostile fleet operating in broad navigable waters compassing him on three sides, the problem was "to oppose an army of 30,000 experienced veterans with about one-third (10,514) the number of raw troops, and those scattered some fifteen miles apart."

Though the British landed at Gravesend on the 22d of August, it was not until the evening (nine o'clock) of the 26th, or four days later, that they moved forward on the defences of Brooklyn. Constant skirmishing had in the meantime been going on, and the Americans had thus been allowed ample time in which to make their preparations. There was no element of surprise in the enemy's advance. During the earlier stages of preparation Greene had been in charge of the Brooklyn wing of the army; but he had been taken down by a fever and was wholly unfit for duty. General Sullivan succeeded him in temporary command. All along, Washington and Greene had seen, what indeed was obvious, that with the means at their disposal, a landing of the British on Long Island could not be prevented; but, if Brooklyn was once occupied by the enemy, New York became untenable; it was the case of Dorchester Heights and Boston harbor reversed, for the British in the present case would hold the heights and the Americans the town commanded by the heights. The problem immediately involved was, therefore, the defence of Brooklyn

against an attack from the land side, in all probability supported by a simultaneous attack on its water front and the American rear. Greene had, accordingly, sought to defend Brooklyn by constructing a line of intrenchments and redoubts back of the village from Gowanus Cove on the south to Wallabout Bay on the north, presenting a front of a little less than a mile in extent, well protected by creeks and morasses on either flank, and, at its centre, about one mile and a quarter from the landing-place of the ferry to New York. From these intrenchments to Gravesend was some eight miles, while between the two, about five miles from Gravesend and three from Brooklyn, rose a difficult, heavily wooded ridge, forming a natural longitudinal barrier practically passable at three points; one close to the bay, the shore road; the second, three miles further inland, in front of Flatbush, being the direct and ordinary road between Gravesend and Brooklyn; and the third the Jamaica road, two miles further still to the east. Under these circumstances, assuming that they were resolved to try to hold New York, the course to be pursued by the Americans was obvious. As soon as the landing of the British at Gravesend was known, that is, on the 22d of August, the largest available force ought to have been concentrated under cover of the Brooklyn intrenchments, while strong infantry outposts should have been put at each of the three passes, the roads beyond being constantly watched by mounted patrols. To do this work at least 15,000 men, with adequate artillery and cavalry, would have been required, a certain mounted force being on such extended lines indispensable to safety. The force actually there was 5500 infantry, mostly militia none of whom had ever been in battle, with six pieces of light field artillery, and no cavalry whatever.

Instead of concentrating themselves within the Brooklyn intrenchments the Americans, when the English, after four days of delay, began to advance, actually went out in force to meet them on two of the roads, leaving the third, that to Jamaica, not only unprotected but not even watched. The natural result followed. Taking advantage of their great preponderance in numbers and excellent information and guidance, the British, advancing by three columns, found, to their great surprise, the Jamaica road unobstructed, — “a route we had never dreamed of,” as an American officer engaged innocently wrote, — and, by means of a well considered and rigorously executed right flanking movement got in the rear of the detachments under Stirling and Sullivan, who had been either posted or hurried forward to defend the two western and more direct approaches; the practical destruction of

those detachments followed. Both commanders were captured, and more than one-third of the entire force disposable for the defence of Brooklyn was destroyed. The American loss in killed, wounded, and missing was about 1500, out of a total force engaged not probably exceeding 3500. Contemporaneous comments are sometimes the best, and it would be difficult to improve on those upon this affair shortly after jotted down by Captain William Olney of the Rhode Island regiment in Stirling's command. It covers the ground. "At the time, I did not pretend to know or examine the generalship of posting Sullivan's and Stirling's forces as they were, leaving the forts but poorly manned with sick and invalids. It must be on the supposition that the enemy would come on the direct road, and if our troops were overpowered they might retreat and defend the fort. But the enemy took a circuitous route, and where it was said Colonel — had neglected to guard, and arrived in our rear without notice. Had it been left to the British generals to make a disposition of our troops, it is a chance if they would have made it more advantageous to themselves, and but for their tardiness they might have taken our main fort. All that seemed to prevent it was a scarecrow row of palisades from the fort to low water in the cove, which Major Box had ordered set up that morning."

It is not putting it too strongly to say that Washington's position, as well as that of the American cause, was then desperate. The disaster occurred under Washington's eyes, for he found himself within the Brooklyn intrenchments, with Clinton's command at nine o'clock in the morning interposed between himself and the detachments under Sullivan and Stirling. Before two o'clock the fighting had wholly ceased. With an inadequate and demoralized command Washington then found himself isolated from the body of his army, such as it was, in New York, with a largely superior force flushed with success before him, and a fairly overwhelming naval armament threatening his flank and rear. Practically he was powerless. In other words, he had got himself and his cause into a wholly false position; and utter ruin stared him in the face. Again, luck and "the dilatoriness and stupidity of the enemy" saved him.

The course for Howe to pursue was now manifest. Six good hours of daylight remained, and, after demolishing the commands of Stirling and Sullivan, he should have followed up his success, striking at once and with all his force at Washington himself. Such was the decided opinion at the moment of the officers in command under Howe; while the body of the British army was so

flushed by victory and absolutely confident of success that it could with difficulty be prevented from an immediate assault. The experience of the next few days showed how thoroughly demoralized the Americans then were. It is true that American historians have since asserted, on what authority does not appear, that the British commander was then wise in not pressing his advantage, and that Washington "courted a storm in which he was almost sure to be victorious"; but, on the other hand, a general officer at the time in command of a portion of the Brooklyn lines described them as "unfinished in several places" and "so low that the rising ground immediately without it would have put it in the power of a man at 40 yards Distance to fire under my Horse's belly whenever he pleased." And such works as these it has since been confidently asserted could have been victoriously defended by militia, to use Washington's official language, "timid and ready to fly from their own shadows." The statement of the historian is not based on Washington as an authority.

At Bunker Hill Howe had been over-confident; at Brooklyn he was too cautious. Probably on the 27th of August, 1776, he remembered the 17th of June, 1775; and, a burnt child, he feared the fire. In any event, after lying for hours with his advance within gun-shot of Washington's lines, which his scouts approached so closely as to report that they could be carried almost instantly by assault, and which his subordinates begged leave to be allowed to attack and, it is said, fairly "stormed with rage when ordered to retire,"—after lying here for hours during a summer noon, he declared that enough had been done for one day, and drawing back, went into camp. In his official report of these operations, he stated that in his judgment the works could have been stormed, and that his soldiers were so eager for the assault "that it required repeated orders to prevail on them to desist"; but as it was apparent the opposing lines could be carried with slight loss by regular approaches, he commanded a halt. Probably, also, and not without reason, he may have expected that the British fleet would next day attack the Americans from the rear, and thus, having them between two fires with all their lines of retreat broken, a surrender would be necessary.

So far "the dilatoriness of the enemy" had saved Washington from total disaster. The element of luck next made itself felt in his favor. The British fleet was lying inside of Sandy Hook. It was impossible for a moment to suppose that the numerous ships of the line and frigates there idly anchored were not to co-operate with the army in the long-planned and carefully pre-

pared operations. They might engage the batteries on the North River, and cover a landing there in the Americans' New York rear, or they might open with their batteries on the town; or, most fatal move of all, they might work into the East River and, dividing Brooklyn from New York, cut the American army in two, and open with their batteries on Washington's Brooklyn rear. It was now the close of August, and in the region of New York the prevailing wind at that season is from the southwest. Such a wind may, indeed, almost be counted upon; and unquestionably was counted upon by the British commanders in planning their operations. A wind from the southwest would have carried the British ships directly up the East River and placed them in front of Brooklyn. Chance ordered otherwise. While General Howe was destroying the commands of Stirling and Sullivan, and threatening Washington's intrenchments, a strong northeast wind was blowing, against which, and the tide, five ships of the line, under command of Sir Peter Parker, in vain endeavored to beat up the bay. One ship of smaller size alone succeeded in working up sufficiently far to open with its guns on the wholly inadequate battery the Americans had established at Red Hook, on the western extremity of their Brooklyn lines; and the fire of even this single ship sufficed sadly to injure the breastworks and dismount some of the guns. If this was so, the effect of the broadsides of the fleet may be surmised. That exceptional northeast wind in August was for Washington a stroke of luck of the description sometimes classified as "providential."

Such are the established undisputed facts. The position into which the American leader had got himself was, from a military point of view, one of utter and manifest falseness; and it is difficult to read the accounts of the operation since given by American historians, and believe that they were gravely prepared. They amount simply to a deification of Washington,—a man who needs no deification,—based on a complete ignoring of facts. The slowness Washington apparently then evinced in appreciating the difficulties of his situation was only less remarkable than the slowness of his enemy in taking advantage of his mistakes, and the northeast wind with its heavy veil of mist which enabled him to extricate himself from them. In earlier times the poets were in the habit of attributing such coincidences to the direct interposition of the gods; and, according to Homer, when Achilles had Agenor in his grasp

" Then fiercely rushing on the daring foe,
His lifted arm prepares the fatal blow :

But jealous of his aim Apollo shrouds
The god-like Trojan in a veil of clouds.
Safe from pursuit, and shut from mortal view,
Dismiss'd with fame, the favor'd youth withdrew."

In a like spirit, the American historian, summing the whole thing up, remarks ingeniously, that while "it redounded greatly to the reputation of Washington," many "who considered the variety of risks and dangers which surrounded the camp, and the apparently fortuitous circumstances which averted them all, were disposed to attribute the safe retreat of the Patriot army to a peculiar Providence." Attention has already been called to the fact that Frederick, when such "interventions" and "Providences" occurred in his own experience, referred to them in a less figurative and more matter-of-fact way as instances of "luck" in warfare.

Washington realized the nature of the situation well enough. It was simply desperate. With between seven and eight thousand undisciplined men, beaten and demoralized at that, he was cooped up with an uncovered rear. Immediate retreat was impossible, and a successful resistance hardly to be hoped; so, like a good and vigilant commander, he was in the saddle before break of day of the 28th, going the rounds of the works and seeking to encourage his followers. The morning broke lowering and dreary, only to reveal to the Patriots the great superiority of the force opposed to them. It was a case of four to one. Fortunately, the enemy did not move. As the day advanced they did, indeed, open with their artillery, and the usual irregular fire of sharpshooters went on between the lines; but presently a drenching rain set in, by which the historians tell us the combatants were "driven into their tents," where they kept themselves until the latter part of the day. There is at this point almost a touch of humor in the narrative, and it is difficult to believe that it is one of actual warfare; yet the career of Washington and the cause of American independence hung in the balance, with an August rain the disturbing factor. But when it came to "dilatoriness," Sir William Howe seems always to have proved himself equal to any occasion.

Presently, while it was still early in the day, the situation in Brooklyn was improved by the arrival of reinforcements under General Mifflin, consisting of three regiments considered as good as any in the army, though so reduced by sickness and other causes that they numbered altogether but 1300 men; one of those regiments, however, was Glover's of Marblehead, mostly sailors and

fishermen, and, with a wide and swift-flowing channel between him and his only possible line of retreat, Washington, as the result showed, then stood in quite as great need of men who could trim a sail and pull an oar as of those who could handle a musket or a shovel. Mifflin's command was marched at once into the weakly defended intrenchments on the left of the line, opposite Clinton.

Now one of the most extraordinary incidents of this singularly conducted campaign is said to have occurred. It sounds so like a travesty of war that it has to be told in the words of the apparently unconscious historian. A dense fog was hanging over the bay and island. A group of officers, among whom were Mifflin and Reed, Washington's adjutant-general, rode out to take a look about. As they were on the high ground at the western extremity of the lines, facing towards Staten Island, a light breeze lifted the fog, disclosing to them the British ships of war. The historian then goes on: "Some movement was apparently in agitation. The idea occurred to the reconnoitring party that the fleet was preparing, should the wind hold and the fog clear away, to come up the bay at the turn of the tide, silence the feeble batteries at Red Hook and the city, and anchor in the East River. In that case, the army on Long Island would be completely surrounded and entrapped. . . . Other ships had passed round Long Island, and were at Flushing Bay on the Sound. Those might land troops on the east side of Harlem River, and make themselves masters of King's Bridge,—that key to Manhattan Island." These facts, as military considerations, might, it would seem, for several days, if not weeks, have been obvious; but, according to the American historians, they would appear to have now for the first time dawned on the minds of the reconnoitring officers, for, "alarmed at this perilous probability, they spurred back to headquarters, to urge the immediate withdrawal of the army, [and] as this might not be acceptable advice, Reed, emboldened by his intimacy with the commander-in-chief, undertook to give it." It is curious to consider what the writer here meant by the words "this might not be acceptable advice."

And it is of such material as this that what is called history is fabricated! This story passed into all the earlier accounts of the operations on Long Island, and, though now rejected by better authorities,¹ is still the popular legend. The incident is said

¹ Bancroft. Note to Chapter V. of Epoch Fourth, containing account of the retreat from Long Island.

to have occurred on the morning of the 29th; the disaster in front of Flatbush had occurred on the 27th; and it is safe to say that not for one moment during the slow intervening hours had the direction of the wind and the movements of the British fleet been absent from the mind not only of Washington, but of every intelligent officer or man within the Brooklyn lines. Their fate hung in the balance. The reconnoitring party may have ridden down to Red Hook in the way described — probably did ride down there; but what those comprising it there saw could have suggested nothing new either to themselves or to Washington. It could only have emphasized the peril of the situation, and the necessity of immediately extricating themselves from it — if they could!

But it is just situations of this sort which bring out great qualities, and those of Washington were now revealed. He showed the *mens æqua in arduis*! With a calm presence and a cool, prescient mind, he looked the situation in the face, recognized the mistake he had made, and prepared to extricate himself from the consequences of it, if, indeed, extrication was yet possible. Up to noon of the 29th, forty-eight hours after the disaster of Flatbush, no step, it is said, had been taken looking to the evacuation of the now wholly untenable position. On the contrary, 1300 fresh men had been added to the 7500, the withdrawal of whom was already a difficult problem. But this can hardly be a correct statement of the case. It implies an absence of ordinary caution and foresight on the part of Washington and those about him which is not supposable. When, therefore, the historian proceeds to tell us that after a council of war, held somewhere about noon on the 29th, had decided to retreat across the river, Washington then sent out his orders to Heath at New York, who, during the afternoon, "collected every sloop, yacht, fishing-smack, yawl, scow, or row-boat that could be found in either water from the Battery to King's Bridge or Hell Gate," — a distance in some cases of fifteen miles, — when the historian makes this statement, he simply evinces a lack of familiarity with the practical operation of a quartermaster's department. The thing could not be done in that time and in that way. It is an imputation on Washington's intelligence to suppose that he could have allowed himself with half of his army to be shut up in Brooklyn for days, without having transportation provided and at hand in case a retreat became necessary. The result shows that he did have it. Provision for what now ensued had evidently been made beforehand. The case for him was bad enough, but

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in this respect not nearly so bad as his thick-and-thin panegyrists unconsciously make out.

On the evening of the 29th crafts of some sort necessary for the transportation of 9000 men and their munitions across the East River in a single night had been got together under the friendly cover of the fog, and were in readiness on the Brooklyn side. The men from Marblehead were then detailed for special duty, and the embarkation began. The mere statement of the case is sufficient. To transport 9000 men in twelve hours across a swift-flowing channel three-quarters of a mile wide, depending on a collection of boats, at best hastily improvised, and of every conceivable size and character, would be impossible under the eyes of a vigilant enemy immensely preponderant on land and in complete control of the water. To succeed in doing so under the most favorable circumstances would seem to demand perfect discipline and obedience in the ranks and a most orderly movement.

The patriotic historians now have the field full before them; and they certainly avail themselves of their opportunity, though not always in perfect accord among themselves as to facts. For instance, one asserts that "from about nine o'clock to nearly midnight, through wind and rain,—company by company,—sometimes grasping hands to keep companionship in the dense gloom,—speechless and silent, so that no sound should alarm the enemy,—feeling their way down the steep steps then leading to Fulton ferry, and feeling their way as they were passed into the waiting water craft, these drenched and weary men took passage for New York." This, if nothing else, is graphic. But another historian tells us that, though the Americans were towards daybreak "remarkably favored by the sudden rise of a fog which covered the East River, during the night the moon had shone brightly, and one can only wonder that the multitudinous plash of oars and the unavoidable murmur of ten thousand men embarking, with their heavy guns and stores, should not have attracted the attention of some wakeful sentinel, either on shore or on the fleet." This again is good; but the pure luck of this somewhat imaginary performance is characterized as Washington's "extraordinary skill." Here are two accounts of the state of the atmosphere on that momentous night; while a third historian tells us that, though "it was the night of the full moon," "about nine the ebb of the tide was accompanied with a heavy rain and the continued adverse wind which had raged for three days died away;" according to this authority, therefore, the night was neither dark nor one of light moonlight, but luminous. Comment seems quite unnecessary.

So also we are assured by the same authorities that the various detachments moved down to the place of embarkation "as quietly as possible and in excellent order, while Washington superintended the details;" — that they went down "speechless and silent," "sometimes grasping hands to keep companionship" is also, it has been seen, asserted. Meanwhile Washington himself told Mifflin at the time "that matters were in much confusion at the ferry"; and we get a glimpse of the nature of this "confusion" from the statement of an eye-witness who asserted that it was impossible to "get within a quarter of a mile of the ferry, the rebel crowd was so great, and they were in such trepidation that those in the rear were mounting on the shoulders and clambering over the heads of those before them."

It is not worth while to attempt to reconcile these wholly irreconcilable statements. The historians must settle it among themselves. A few things only are evident. Chief among these is the fact that, in a situation immensely trying, Washington kept his head, and inspired that confidence without which confusion would have become confounded, and all been lost. Again, the means of transportation seem to have been sufficient; the enemy was not vigilant; no inquisitive scouts harassed the lines; no patrol boats prowled the East River. In a word, the enemy, whether on land or water, afforded the Patriot army every possible facility for getting away, and the elements co-operated with the enemy; for, while that "providential fog" still hung over Long Island, concealing the movements of the Americans, the adverse wind of the previous days had died away so that the row-boats could be loaded to the gunwale, and, just at the right moment, a favoring breeze sprang up to aid the sail-boats. The potency of luck as a controlling element in warfare has rarely been more strikingly exemplified. It is even said that a negro, despatched by a Tory sympathizer at ten o'clock that night to notify the British of the movement then going on, found his way to an outpost and sought to deliver his message. Again — luck! for in this instance, at least, the result could in no way be attributed to the "prescience" of Washington. The outpost to which the negro emissary made his way was composed of Hessians, who could not understand a word the man said! And so they kept him under close guard as a suspicious character until daybreak, when at last the officer of the grand rounds appeared. It was then too late. When, a little later, an aid of Howe's, with a party of men, clambered, in consequence of this information, into the deserted works and made their way down to the Ferry landing,

the rear boats of Washington's retreating army were beyond musket shot, and nearing the New York shore.

The present paper relates merely to the operations on Long Island, and it is not necessary to follow the American army through its subsequent unfortunate experiences on Manhattan Island. From a purely military point of view, the further occupation of that island was, after the British got possession of Brooklyn Heights, not only useless, but it involved serious risk. With an enemy now in undisputed control of the surrounding waters, the place was a trap from which it was impossible to escape too soon. Greene and others advised evacuation; but Washington lingered on Manhattan Island with his now wholly demoralized army until the 15th of September, when his leisurely opponent again attacked him. Then followed the shocking affair of Kip's Bay, and the Patriots abandoned New York. Their disaster was the natural outcome of the attempt to occupy a useless position for more than two weeks after it became obviously untenable. By pure good luck, combined once more with "the dilatoriness of the enemy," Washington saved himself and the force under his command from capture.

Returning to the operations on Long Island and the errors of strategy into which both Washington and Howe there fell, it is interesting to attempt to explain the motives which actuated each. In so doing we have the benefit of that hindsight which, especially in military operations, is so vastly preferable to the foresight of even the most sagacious commanders. We have all the facts before us and see our way clearly; Washington and Howe, with only partial information, groped their way in doubt through the darkness.

In the first place what could have induced Washington, with the meagre resources both in men and material at his command, to endeavor to hold New York against such an armament as he well knew the British could then bring to bear? We now see that the attempt was not only hopeless from the start, but, in reality, there was, from a military point of view, nothing to be said in its favor. As Lee, who had in March pointed out the difficulties, subsequently wrote in September, "I would have nothing to do with the islands to which you have been clinging so pertinaciously — I would give Mr. Howe a fee-simple of them." In this conclusion, — charlatan though he was, — Lee was unquestionably right; and there can be no doubt the advice of John Jay was sound, that, without risking a battle, all the country below the Highlands should be abandoned to the British, as, under the cir-

cumstances, not capable of successful defence, and that a strictly defensive warfare should be carried on among the passes and defiles of the mountains; and he significantly and prophetically added, "I can't forbear wishing that a desire of saving a few acres may not lead us into difficulties."

The campaign of Long Island was in reality Washington's first experience of active field movement and fighting, in which he held chief command. That he profited greatly by it was subsequently apparent. He learned through his mistakes; and the mistakes of that first campaign were numerous and patent. From the 27th of August to the 15th of September the American army was almost, if not quite, at the mercy of its opponent. What then were the grounds on which Washington based his plan of operations, and what influences could have induced him to incur such extraordinary and unjustifiable risks? And, first, it is necessary to consider Washington as a military man,—to grade him, so to speak, among captains.

Although one of the most recent and popular of American historians discovers even in the New York campaign of 1776 "evidence of military genius such as has seldom been surpassed in the history of modern warfare," Washington had, in point of fact, little natural aptitude for warfare. Few even among American panegyrists will seriously claim that he was, like Hannibal, Gustavus, or Napoleon, a born general. Rather a slow man naturally, he had none of that insight which causes certain commanders in presence of an enemy—they know not why—instinctively to do the right thing at the right moment, whether in attack or defence. A man of courage and high character, compelling confidence, Washington's *forte* in military as in civil life was supreme common sense. He learned by experience; and it was in the school of experience that he made himself a safe, a competent, and a successful commander-in-chief. More he never was. Yet the curious thing about him is that his greatness, his magnanimity, and his poise always seem to assert themselves most, just when the impartial investigator is on the point of convicting him of error. The error may be there; but the man surmounts and dominates over it. That he made serious mistakes of judgment both in strategy and tactics in the New York campaign of 1776, he would later have been the last to deny. His own letters, as well as the evidence of those about him, convict him of a fatal indecision of mind in moments of crisis. And yet his sterling greatness is all the while unmistakable. He was a man, learning; and the only effect of a study of his errors, which he never sought

to deny, is to restore to him that kindly element of human nature and human weakness of which over-zealous panegyrists have done much to deprive him.

Recurring then to his attempted defence of New York, it must be remembered that in his operations about Boston only a few months before he had been most successful. Well designed and prudently conducted, they brought about full results in compelling an enemy to abandon without a battle a base of operations manifestly bad and useless for his purpose. Through these operations Washington established himself — and, as the result showed, justly established himself — in the confidence of his supporters. From Boston the theatre of operations was transferred to New York ; and it is curious to observe how manifestly the Boston experiences influenced at New York the minds and actions of both Washington and Howe. The conditions were wholly different ; yet both proceeded much as if they were the same.

At Boston, Washington, by securing Dorchester Heights, had made Boston Harbor untenable by the British. New York Harbor is as different from that of Boston as one harbor can well be from another ; yet his whole plan of operations at New York was based on the erroneous idea that by holding Brooklyn Heights he could keep the enemy's ships out of the East River, and so defend New York ; though in point of fact the place could be assailed and his flank turned on either side. Accordingly, instead of taking a large and reasonable view of the situation, and pronouncing the place indefensible, except with that command of the sea which the Americans manifestly did not have, he not only tried to defend it, but in so doing made a grave strategic mistake when he exposed himself to imminent risk of having his army cut in two by a naval operation which he had no adequate means of opposing. In doing this it cannot be claimed that he was impelled to a course his judgment did not approve by popular insistence and congressional pressure. These doubtless were great, and had their influence ; but both before and after the well-nigh inevitable catastrophe, he put himself on record as believing his plan of defence reasonably practicable, and he clung to it to the last moment ; while nowhere did he point out the excessive dangers it involved, enter a protest against it, or even express a preference for a radically different and safer plan. His mind was evidently influenced by his Boston experience, and by the success of Moultrie at Charleston.

Neither can it be claimed that the disaster at Flatbush was due to the illness of Greene and the incompetence of Putnam, who succeeded him in command on the eve of the engagement. Greene

relinquished the active command August 16; and it was on the 22d of August that the British landed at Gravesend. Sullivan was then acting in Greene's stead. Four days later, on the evening of the 26th, Clinton began his forward march, and on the morning of the 27th he seized the unprotected Jamaica road, and so got in the rear of Sullivan and Stirling. On the 24th Washington himself passed the day at Brooklyn, and not until his return to New York in the afternoon of that day did he appoint Putnam to take command on the Brooklyn side, at the same time giving him, as the result of his (Washington's) personal examination of the ground, specific written instructions in which he outlined the plan of operations to be pursued, especially on the point which led to disaster, — that of going out to meet the enemy with the best troops, leaving only militia in the interior works. "The militia, or the most indifferent troops," he wrote, "will do for the interior works; whilst your best men should at all hazards prevent the enemy's passing the woods and approaching your works." This, too, though Washington had himself that day observed with alarm the confusion and lack of co-operation among commands which prevailed on Long Island, and knew perfectly that there was no mounted force there to do outpost work. His idea, as that of Greene, seems to have been to inflict severe punishment on the enemy in the wooded hills between Gravesend and Brooklyn; and then to have the forces withdrawn from before the enemy, and take refuge in the Brooklyn intrenchments. But this was a hazardous game to play. To play it successfully required a skilful commander on the spot, an efficient staff, cool, well-seasoned troops, and perfect co-operation between commands; and not one of these essentials, as no one knew better than Washington, did the Americans enjoy.

Take, for instance, the matter of artillery and cavalry. To defend with effective results such an extended advance line required good outpost work, reliable courier service, and adequate, well-handled artillery. Clinton advanced with forty field-pieces: the entire American equipment consisted of six pieces, — one 5½-inch howitzer, four 6-pounders, and one 3-pounder! As respects cavalry the case was still worse; the Americans had absolutely none; and, curiously enough, that they were thus fatally deficient was again due to Washington's own act. As early as the 10th of July, Governor Trumbull of Connecticut sent a detachment of light-horse, as they were called, to New York. Some three or four hundred in number, they were a body of picked men, — as Washington wrote, "most of them, if not all, men of reputation

and property." Yet, on the score of expense, he refused to allow them to keep their horses; and, when they declined to do infantry duty, he roughly dismissed them, writing to their commander, "they can no longer be of use here, where horse cannot be brought into action, and I do not care how soon they are dismissed." Yet Long Island then was full of forage, which afterwards was either destroyed or fed the horses of the British cavalry, and so shockingly deficient was the American mounted service that on the very day when Clinton turned the American flank at Bedford, Heath, the acting quartermaster-general, was writing to Mifflin from King's Bridge, "we have not a single horse here. I have written to the General for two or three." To a military critic, the attempt to hold the outer Long Island line under such circumstances seems like madness. General Sullivan afterwards declared that he had, before being superseded by Putnam, felt very uneasy about the Bedford road, and "had paid horsemen fifty dollars for patrolling [it] by night, while I had command, as I had no foot for the purpose." The inference would seem to be that the American commanders did not at this time understand the use and necessity of mounted men in field operations. A cavalry patrol of fifty men only on the flank of the American advanced line might, and probably would, have saved the commands of Sullivan and Stirling from the disaster of August 27; and yet, a few weeks before, the four hundred Connecticut mounted men had been sent home by Washington for the reason that horse could be of no service in military operations conducted necessarily on an island!

But if it is curious to observe the influence of Bunker Hill and Dorchester Heights on the mind of Washington while trying to defend New York, it is at least as curious to notice the similar influence of Concord and Fort Mifflin on the minds of the two Howes when they planned to attack New York. The extreme of rashness had given place to a caution as extreme. Yet in his operations on Long Island, Sir William Howe made the same mistake which cost him so dear at Bunker Hill. Again instead of attacking his enemy full in front and just where he wanted to be attacked — driving him out of the trap in which he had got himself — Howe's effort should have been to operate on Washington's rear, since his lines of retreat and "bag" him and his army. No better opportunity of a sort of thing could have been offered, as was obvious at the time and has since frequently been pointed out. It was not necessary, with a demonstration of Washington's Long Island front to make his retreat certain — for the place at Howe's command was and ever ever narrow — a way to Long Island

Sound to Flushing Bay; and thence, as he subsequently did, cross over under cover of his ships to the mainland, and strike for King's Bridge. In the meanwhile, taking advantage of the first "brisk and favorable breeze and flowing tide," Lord Howe's fleet could have moved up the East River, destroying the American transportation, and so left Washington's army hopelessly cut in two. The plan was so obvious and so wholly practicable — Washington had laid himself so open to the fatal blow — that why the thing was not done must always remain a mystery. But probably, after all, the explanation was not far to seek, — at New York, as at Bunker Hill and at Charleston, "the dilatoriness and stupidity of the enemy saved us."

So much for the land operations of the British. It was the same on the water. On the 28th of June, a little more than a year after Bunker Hill, and just two months before Flatbush, the squadron under Sir Peter Parker was severely repulsed in its attempt on Fort Moultrie. The influence of this experience was manifest in the handling of the British ships at New York in August. The squadron of Sir Peter Parker then made part of Lord Howe's fleet; and Parker was himself in command of the ships which attempted to co-operate with General Howe on the 27th of August, and failed to work into position. While the Americans seem to have felt an inordinate degree of confidence in the efficacy of their land batteries to resist attack, the inertness and even timidity of the British naval commanders throughout the operations was most noticeable and is almost inexplicable. In them there was no indication of the great traditions of the British navy. The commanders of the British fleet hardly made their presence felt.

A careful examination of the original records and a judicial weighing of the almost equally divided public feeling — Whig and Tory — of the years 1775 and 1776, cannot but give rise to grave doubts as to whether the cause of independence would then have prevailed except for that element of luck in warfare upon which Frederick the Great in his review of his own career laid such stress. In justice it must also apparently be admitted that the errors of strategy into which Washington fell at New York in the summer of 1776 were more dangerous and less excusable than that committed by Ward in June, 1776, while, on the other hand, the supreme luck which attended the Patriots at Bunker Hill by no means followed them to Long Island. An August northeasterly storm, with its accompanying rain and veil of friendly mist, did, indeed, enable them to elude the grasp of an inert and dilatory enemy, but only after the flower of the Patriot army had

been destroyed, and what remained of it so completely demoralized that for years it did not recover a proper morale. That Washington sustained himself and retained the confidence of the army and of Congress in the face of that series of disasters for which he was so largely responsible, is extraordinary, and stands as the highest tribute which could have been paid to his character and essential military qualities. Yet, in spite of what historians have since asserted, his prestige at the time was greatly diminished and his control of the situation imperilled. All eyes turned at the moment to General Charles Lee, just returning from Charleston, surrounded by the halo of the victory which Moultrie had won; and won in Lee's despite. There was for a time no inconsiderable danger that he, the most wretched charlatan of the War of Independence, might supplant Washington in the confidence of the army. He certainly did greatly embarrass his superior and thwart his combinations. But in view of what then occurred and has since taken place, it is curious to reflect how different the whole course of history would have been had the element of pure luck entered a little differently than it did into the events of June, 1775, and August, 1776. It is not easy to imagine a state of affairs during the century now closing in which the United States might have continued far into it to be what the Dominion of Canada now is, and from which the career and memory of Washington would have been obliterated.

CHARLES FRANCIS ADAMS.

PRESIDENT WITHERSPOON IN THE AMERICAN REVOLUTION

ALTHOUGH John Witherspoon did not come to America until the year 1768, — long after he had himself passed the middle line of human life, — yet so quickly did he then enter into the spirit of American society, so perfectly did he identify himself with its nobler moods of discontent and aspiration, so powerfully did he contribute by speech and act to the right development of this new nation out of the old cluster of dispersed and dependent communities, that it would be altogether futile to attempt to frame a just account of the great intellectual movements of our Revolution without taking some note of the part played in it by this eloquent, wise, and efficient Scotsman — at once teacher, preacher, politician, law-maker, and philosopher, upon the whole not undeserving of the praise which has been bestowed upon him as “one of the great men of the age and of the world.”¹

Born in 1722, in the parish of Yester, fourteen miles east of Edinburgh, — a parish of which his father was minister, — he was able upon his mother's side to trace his lineage, through an unbroken line of Presbyterian ministers, back to John Knox. That such a man should ever, in any country, come to lend his support to a system of rather bold conduct respecting royal personages in general, was hardly a thing to shock or surprise any single drop of blood in his body. At the age of twenty, he was graduated from the University of Edinburgh, where he had for associates Hugh Blair, James Robertson, and John Erskine. At the age of twenty-two, he became minister of the parish of Beith in the west of Scotland. At the age of thirty-four, he became pastor of the Low Church in Paisley. At the age of forty-six, after having declined calls to Presbyterian congregations in Dundee, Dublin, and Rotterdam, he accepted an invitation to the presidency of the College of New Jersey — an invitation which he had already declined two years before. At the time of his removal to America, therefore, he had achieved distinction as a preacher and an ecclesiastical leader. Even as an author, also,

¹ Sprague, *Annals*, etc., III. 289.

he had become well known, his chief publications, at that time, being *An Essay on Justification*; *A Practical Treatise on Regeneration*; *A Serious Enquiry into the Nature and Effects of the Stage*; a prose satire, called *Ecclesiastical Characteristics*; besides several volumes of sermons, and a collection of miscellaneous writings in three volumes, entitled *Essays on Important Subjects*.¹

His advent to the college over which he was to preside was like that of a prince coming to his throne. From the moment of his landing in Philadelphia until that of his arrival in Princeton, his movements were attended by every circumstance that could manifest affection and homage; and on the evening of the day on which he made his entry into what was thenceforward to be his home, "the college edifice was brilliantly illuminated; and not only the whole village, but the adjacent country, and even the province at large, shared in the joy of the occasion."² It is pleasant to know that in the six-and-twenty years of public service that then lay before him in America, the person of whom so much was expected, not only did not disappoint, but by far exceeded, the high hopes that had thus been set upon him. For once in this world, as it turned out, a man of extraordinary force, versatility, and charm had found the place exactly suited to give full swing and scope to every element of power within him.

He seems to have come at the right moment, to the right spot, in the right way. Being perhaps equally apt for thought and for action, and having quite remarkable gifts as preacher, debater, conversationist, politician, and man of affairs, happily he found himself, in the fulness of his ripened powers, in a station of great dignity and prominence, near the centre of the new national life of America, in the midst of a kindred people just rousing themselves with fierce young energy to the tasks and risks of a stupendous crisis in their history. Thenceforth, whatsoever John Witherspoon had it in him to do, in things sacred or secular, in life academic or practical, in the pulpit, in the provincial convention, in the Continental Congress, for the shaping, in war and

¹ The most of these publications, together with his later writings, are to be found in his collected *Works*, of which two editions have appeared: the one in four volumes, Philadelphia, 1800-1801; the other in nine volumes, Edinburgh, 1804-1805. The latter is the edition used by me. For biographical sketches of Witherspoon, the reader is referred to these editions of his *Works*; also, to the sermon preached at his funeral by John Rodgers, with a valuable appendix by Samuel Stanhope Smith; to J. Sanderson, *The Signers of the Declaration of Independence*, V. 99-186; to Sprague, *Annals*, etc., III. 288-300. The article on Witherspoon, in *Appleton's Cyclopadia of American Biography*, VI. 584, 585, is worth attention.

² Sprague, *Annals*, etc., III. 292.

peace, of the thought and character and destiny of this primitive, passionate, indomitable people, he then had the opportunity to do. That opportunity, so precious and so rare in the experience of men, he did not fail to use to the utmost.

Even in the exterior personal gifts which make for influence, he was not lacking. It was said of him that, with the exception of Washington, he had more of the quality called presence than, perhaps, any other man of his time in America. He was, moreover, kindly and companionable in private intercourse, and fascinated men by talk sparkling with anecdote, epigram, and repartee.

In the due order of things, his earliest appearance before the public was in the pulpit, which, to the very end of his career, continued to be the true seat and organ of his best activity and influence. Having the gift of easily remembering whatever he wrote, and of speaking naturally what he thus remembered, he was able to give to his sermons the double attraction of premeditated and of extemporaneous speech; and both for the matter and the manner of discourse, he soon took rank here as one of the foremost preachers of his time. As a contemporary of his has testified: "President Witherspoon's popularity as a preacher was great. The knowledge that he was to conduct a public service, usually filled the largest churches in our cities and populous towns, and he never failed to command the profound attention of his audience."¹ Notwithstanding the prodigious variety of those public and private engagements which were soon laid upon him, he maintained to the very end the supremacy of his sacred calling, and never, either by dress, or speech, or conduct, permitted his career as a civilian even to seem to involve any lapse or suspension of his character as a clergyman.

As the call that had brought him to America was the call to preside over the College of New Jersey, its interests very properly had the first claim upon his attention; and, before he had been long in charge of them, it became evident that, through him, the college was about to enter upon a new and a larger life. He addressed himself, first of all, to that need which is the primary, classic, and perennial need of every college fit to exist at all, — the need of money; and the extraordinary success he had therein was due partly to his own extraordinary energy and tact, and partly to the sheer confidence of the public in anything for which he chose to concern himself. He also brought about an enlargement of the curriculum by the introduction of new courses, particularly in Hebrew and in French; and through his own brilliant example

¹ Ashbel Green, in Sprague, *Annals*, etc., III. 299.

as a lecturer on eloquence, history, philosophy, and divinity, he encouraged methods of instruction far more manly, vital, and stimulating than those previously in vogue there. Finally, his fame as a divine, and soon, also, as a statesman and a patriot, continually added to the reputation of the college, and attracted to it during his time some of the brightest and noblest of American youths. Perhaps John Witherspoon was the first man among us to illustrate in a high degree the possibilities for influence to be found in this very modern and peculiar function of an American college president.

Before many years, also, as the struggle with the British ministry took on more and more its tragic aspect, Witherspoon's labors as preacher and as college officer began to be overlaid by his labors as a political writer and a statesman. It has been well said of him that "he became an American the moment he landed on our shores";¹ and, having quickly mastered the questions in dispute, he showed from the outset a rational, temperate, but unflinching sympathy with the rising spirit of American opposition. By the spring of the year 1776, it was no longer possible for him to hold back from more direct employment in the Revolution; and he then began his political career by taking his place as a member of the convention for framing the first constitution for New Jersey.² His service in that body gave a new *éclat* to his reputation, and great access to the public confidence in him; and, on the 21st of June, 1776, he received promotion by being transferred from the convention of New Jersey to the Continental Congress, in which body he took his seat in time to give his voice and his vote in favor of the Declaration of Independence.

Thus, at last, was John Witherspoon brought as an active force into the highest sphere of American statesmanship, and at a period of supreme opportunity in our affairs. In that sphere he remained and wrought, with but a single brief interval, until the virtual close of the Revolution. From the beginning, he took and held the foremost rank among his associates. In the mere erudition required for statesmanship, especially at such a crisis, probably few of them were so well equipped as he. This, perhaps, was to have been expected, in view of his previous personal history. They, however, who had supposed that this great academic personage—this renowned divine and philosopher—would in Congress prove himself to be a mere amateur in statesmanship, a doctrinaire and

¹ Sanderson, *The Signers*, etc., V. 115.

² Poore, *The Federal and State Constitutions*, II. 1310-1314.

a dreamer, were permitted to enjoy a great surprise. His long training in ecclesiastical politics in Scotland had left to him few things to learn as regards the handling of secular politics in America: he was familiar with the usages of legislative bodies, he had consummate skill in debate, he knew how to influence men to think and act with himself. Throughout all those years in which there were in Congress advocates for an imbecile military policy, for financial shuffling and dishonor, even for the annihilation of all genuine national life, the wit, the wisdom, the moral force of this shrewd Scotsman were to be found on the side of wholesome measures,—an assured union of the insurgent states; more power at the centre of government; terms of enlistment long enough to make an army worth having after it had become an army; the management of the public finances on the only principles that have ever proved sound or profitable in the conduct of any business public or private.¹ Moreover, it became soon apparent that, in his view, the chief duty of a congressman was not to talk, but to work. At the sessions of Congress, no member was more constant in attendance; in committees, no one wrought harder, or had harder tasks entrusted to him.²

The powerful influence which, through his published writings, Witherspoon exerted upon the course of Revolutionary thought, may be traced in the very few sermons of his which touch upon the political problems of that time, in various congressional papers, and especially in the numerous essays, long or short, serious or mirthful, which he gave to the press between the years 1775 and 1783, and commonly without his name.

His most memorable sermon during this period was that preached by him at Princeton on the 17th of May, 1776, being the general fast appointed by Congress throughout the United Colonies,—an opportunity for solemn delay and for reflection before that great step should be taken which could not be taken back. Witherspoon's discourse bore an imposing title, "The Dominion of Providence over the Passions of Men,"³ and contained a calm and very striking statement of his reasons for concurring in the American demand for the control by Americans of their own

¹ For example, see his speeches in Congress "On the Confederation," *Works*, IX. 135-141; "On a Motion for Paying the Interest of Loan-Office Certificates," *ibid.*, 117-124; "On the Finances," *ibid.*, 125-134; also his remarkable "Essay on Money," *ibid.*, 9-25.

² A fairly good idea of the nature and value of Witherspoon's services as a member of the Congress from 1776 to 1782, may be gathered from Sanderson, *The Signers*, etc., V. 116-157.

³ *Works*, V. 176-216.

affairs. It was much read on both sides of the Atlantic; and at Glasgow it was sent forth embellished with notes of dissent and indignation wherein the reverend author was called a rebel and a traitor.¹ To the American edition of the sermon, Witherspoon added an "Address to the Natives of Scotland residing in America,"²—an effective and a much-needed treatment of that series of events, in both countries, which had resulted in so extensive an alienation of American Scotsmen from the cause of American self-government.

As a writer of political and miscellaneous essays, commonly published in the newspapers, it is probable that Witherspoon's activity was far greater than can now be ascertained; but his hand can be traced with certainty in a large group of keen and sprightly productions of that sort,—"Reflections on the Present State of Public Affairs and on the Duty and Interest of America in this Important Crisis,"³ "Thoughts on American Liberty,"⁴ "On the Controversy about Independence,"⁵ "On Conducting the American Controversy,"⁶ "Aristides,"⁷ "On the Contest between Great Britain and America,"⁸ "On the Affairs of the United States,"⁹ "Observations on the Improvement of America,"¹⁰ and a series of periodical papers called "The Druid."¹¹ His gift for personal and political satire is shown in "The Humble and Earnest Supplication of J. Rivington, Printer and Bookseller in New York,"¹² and "Recantation of Benjamin Towne."¹³ By far the most masterly secular writing of Witherspoon's is his "Essay on Money as a Medium of Commerce, with Remarks on the Advantages and Disadvantages of Paper admitted into General Circulation,"¹⁴ principally made up of portions of speeches delivered by him in Congress, and conveying much invaluable and unfamiliar truth to the American people, then, as so often since then, mired in the bog of financial fallacies and impostures.

Of all these writings of Witherspoon, dealing in grave or playful fashion with Revolutionary themes, the chief note is that of a virile mind, well-balanced, well-trained, and holding itself steadily to its own independent conclusions,—in short, of enlightened and imperturbable common-sense, speaking out in a form always

¹ Sprague, *Annals*, etc., III. 293, 294.

² *Works*, V. 217-236.

³ *Ibid.*, IX. 66-72.

⁴ *Ibid.*, 73-77.

⁵ *Ibid.*, 78-82.

⁶ *Ibid.*, 83-87.

⁷ *Ibid.*, 192-198; also, Albert H. Smyth, *The Philadelphia Magazines*, etc., 56, 57.

⁸ *Works*, IX. 9-65.

⁹ *Ibid.*, 88-98.

¹⁰ *Ibid.*, 160-170.

¹¹ *Ibid.*, 171-177.

¹² *Ibid.*, 178, 179.

¹³ *Ibid.*, 224-291.

¹⁴ *Ibid.*, 180-191.

temperate and lucid, often terse and epigrammatic. "There is not a single instance in history," says he, "in which civil liberty was lost, and religious liberty preserved entire. If, therefore, we yield up our temporal property, we at the same time deliver the conscience into bondage."¹ As to the ministers, Parliament, and people of Great Britain, "I do not refuse submission to their unjust claims because they are corrupt or profligate, although probably many of them are so, but because they are men, and therefore liable to all the selfish bias inseparable from human nature; . . . because they are separated from us, independent of us, and have an interest in opposing us."² "It has been my opinion from the beginning that we did not carry our reasoning fully home when we complained of an arbitrary prince, or of the insolence, cruelty, and obstinacy of Lord North, Lord Bute, or Lord Mansfield. What we have to fear, and what we have to grapple with, is the ignorance, prejudice, partiality, and injustice of human nature."³ "The question then is: Shall we make resistance with the greatest force,—as rebel subjects of a government which we acknowledge, or as independent states against an usurped power which we detest and abhor?"⁴ "Is there a probable prospect of reconciliation on constitutional principles? What are these constitutional principles? Will anybody show that Great Britain can be sufficiently sure of our dependence, and yet we sure of our liberties?"⁵ "It is proper to observe that the British settlements have been improved in a proportion far beyond the settlements of other European nations. To what can this be ascribed? Not to the climate, for they are of all climates; not to the people, for they are a mixture of all nations. It must, therefore, be resolved singly into the degree of British liberty which they brought from home, and which pervaded more or less their several constitutions."⁶ "Can any person of a liberal mind wish that these great and growing countries should be brought back to a state of subjection to a distant power? And can any man deny that, if they had yielded to the claims of the British Parliament, they would have been no better than a parcel of tributary states, ruled by lordly tyrants, and exhausted by unfeeling pensioners, under the commission of one too distant to hear the cry of oppression, and surrounded by those who had an interest in deceiving him?"⁷ "It ought, therefore, in my opinion, to meet with the cordial approbation of every impartial person,

¹ *Works*, V. 203.

² *Ibid.*

³ *Ibid.*, IX. 80.

⁴ *Ibid.*, 92.

⁵ *Ibid.*, 97.

⁶ *Ibid.*, V. 223.

⁷ *Ibid.*, 224.

as I am confident it will of posterity, that they have united for common defence, and resolved that they will be both free and independent, because they cannot be the one without the other."¹ As to American independence, "I mean to shew — 1. That it was necessary. 2. That it will be honorable and profitable. And, 3. That in all probability it will be no injury, but a real advantage, to the island of Great Britain."²

Of this newly born and newly announced nation, thus starting out in life with a very serious war on its infant hands, the direst need was, not of men to do the fighting, but of money to sustain the men while they were fighting; and in the way of all this stood, not only the organic impotence of the general government, but the ignorant, false, and reckless notions as to money and as to the relation of government to money, which these people had brought over with them from their colonial stage, and which, in fact, they had long been putting into practice to their own incalculable loss and shame. Under such circumstances, what greater service to the American cause could have been rendered by a man like Witherspoon, than by exposing, as he did, the financial sophistries of Revolutionary demagogues and blatherskites, and by putting into pithy, lucid, and fearless words the essential and immutable truths as to what is possible and desirable in public finance? "No paper of any kind is, properly speaking, money. It ought never to be made a legal tender. It ought not to be forced upon anybody, because it cannot be forced upon everybody."³ "The cry of the scarcity of money is generally putting the effect for the cause. No business can be done, say some, because money is scarce. It may be said, with more truth, money is scarce because little business is done. Yet their influence, like that of many other causes and effects, is reciprocal."⁴ "Too much money may be emitted upon loan; but to emit money in any other way than upon loan, is to do all evil and no good."⁵ "The excessive quantity of paper emitted by the different states of America, will probably be a loss to the whole. They cannot, however, take advantage of one another in that way. That state which emits most will lose most, and *vice versa*."⁶ "Those who refuse doubtful paper, and thereby disgrace it, or prevent its circulation, are not enemies, but friends, to their country."⁷

Happy was it for us, that this clear-headed thinker, this expert in the art of popular exposition, was in full sympathy with those deep human currents of patriotic thought and feeling which then

¹ *Works*, V. 224.

² *Ibid*.

³ *Ibid.*, IX. 63.

⁴ *Ibid*.

⁵ *Ibid.*, 64.

⁶ *Ibid*.

⁷ *Ibid*.

swept towards an independent national life in this land. Happy was it for us, also, that while he was capable beyond most men of seeing the historic and cosmopolitan significance of the movement for American independence, he had the moral greatness to risk even his own great favor with the American people, by telling them that the acquisition of independence was not to be the end of their troubles, but rather, in some sense, the beginning of them; since greater perils than those brought in by Red Coats and Hessians were then to meet them, in the form of shallow and anarchical politics, corruption among voters, unscrupulous partisanship, new and hitherto unimagined forms of demagogism, and the boisterous incompetence of men entrusted with power in the regulation and guidance of the state. He who declared that the American Revolution would be "an important era in the history of mankind,"¹ also said: "I am much mistaken if the time is not just at hand when there shall be greater need than ever in America for the most accurate discussion of the principles of society, the rights of nations, and the policy of states;" and that only by making a people "virtuous," can they be made "invincible."²

MOSES COIT TYLER.

¹ *Works*, V. 222.

² *Ibid.*, IX. 231.

THE FIRST NATIONAL NOMINATING CONVENTION

THE Anti-masonic convention which met in Baltimore in 1831 has been commonly set down as the first national nominating convention. Yet there seems sufficient reason for the assertion that the conference of Federalists, which in September, 1812, nominated DeWitt Clinton for the presidency, 'presents many if not all of the characteristics of a national nominating convention. Very little has been written about this conference, most writers passing it over with the briefest mention. Viewed with relation to practical results it was of slight consequence, and for this reason it has been neglected, but as a step in the development of the present method of bringing forward candidates for the presidency the Federalist conference of 1812 is of much importance.

Mr. Madison's war policy made him unpopular with a portion of the Republican party, and especially with the New York Republicans. He was nominated without open opposition by a congressional caucus, but the Republican members of the New York legislature determined to defeat the election if possible. To this end a caucus of the Republican members of the legislature nominated DeWitt Clinton. As a sort of apology for this unusual method of nomination the committee of correspondence, which was appointed in New York to further Mr. Clinton's interests, in urging the co-operation of the other states pointed out the grave dangers attending caucus nominations at the seat of the national government.

The Federalists were opposed to the war, but despairing of defeating Madison with a man distinctively of their own party determined, at the conference which is the subject of this paper, to support Clinton, who was opposed to the war as conducted by Madison. The Federalists resolved that the latter must by all means be defeated. Clinton, although previously nominated by the New York Republicans, came more and more, as the campaign wore on, to be regarded as the Federalist candidate. The presidential contest developed into a contest between the war and peace parties, and Clinton became identified with the latter to his own detriment politically, for with the campaign of 1812 he passed out of importance in national politics.

So far as is known no report of the proceedings of this conference was ever printed, and the newspapers of the period, which have been carefully searched for the purpose, contain very little trustworthy information regarding it. The proceedings were conducted as privately as possible, so that what little news the papers contain relative to the conference is more or less conjectural. Enough is known from other sources, however, for the purpose of this paper, which is to establish its characteristics as a national nominating convention.

The most important statement regarding the matter is that made by one of the delegates, William Sullivan, of Massachusetts. In his *Familiar Letters* (1834) he gives a brief account of the conference. In the subsequent edition of that book (*Public Men of the Revolution*, 1847) appears for the first time, in a footnote¹ inserted by his son, John T. S. Sullivan, William Sullivan's account of the origin of the conference, related by his son *memoriter*. "Soon after the war had been declared," he said, "I chanced to be at Saratoga Springs, where I met with the Hon. Calvin Goddard, of Norwich, Ct., and with Hon. Jon. Dwight, of Springfield, Mass. Gov. Griswold, of Connecticut, was also at the hotel, but confined to his chamber. It was the habit of these two gentlemen and myself, to pay the Governor a daily visit, and when he announced himself too ill to receive us, we strolled into the neighboring woods, to talk over the state of the Union, respecting the welfare and durability of which, we entertained serious and painful fears. On one of these excursions, it was concluded, that a convention should be convened at New York during the following September at which as many states should be represented as could be induced to send delegates. . . . The convention met at New York, in September, and eleven states were represented by seventy delegates. The convention, during two days, had been unable to come to any determination, and on the third day were about dissolving without any fixed plan of operation. Hon. Rufus King had pronounced the most impassioned invective against Clinton, and was so excited during his address, that his knees trembled under him.² Gouverneur Morris doubted much the expediency of the measure, and was seconded in these doubts by Theo. Sedgwick as well as by Judge Hopkinson. . . . It was approaching the hour and nothing had been de-

¹ Pp. 350, 351.

² Rufus King attended the conference reluctantly. The fourth volume of his *Writings*, to appear shortly, will contain some hitherto unpublished letters respecting his action. — *Letter of Dr. Charles R. King*.

terminated, when Mr. Otis arose, apparently much embarrassed, holding his hat in his hand, and seeming as if he were almost sorry he had arisen. Soon he warmed with his subject, his hat fell from his hand, and he poured forth a strain of eloquence that chained all present to their seats, and when at a late hour, the vote was taken it was almost unanimously resolved to support Clinton."

Comparing now the conference thus described with the present nominating convention, let us see what reasons there are for believing it to have been the first national nominating convention.

In the nominating convention of to-day all the states are represented by delegates elected by their party in their respective states. At the convention in question eleven states were represented by seventy delegates. Nearly every state in which the Federalists were strong enough to make their vote a factor in the election sent delegates, and all the states were asked to send them, so that so far as the party was concerned the Federalists may be said to have had a national representation at the conference. As to the method by which the delegates were chosen the records are too incomplete to admit of the assertion that they were in all instances duly elected. That they were elected in New York seems evident from letters of John Jay and Gouverneur Morris on the subject of the convention. Morris's letter to Jay, printed with the date September 11, 1812 (probably it should be August 11), implies that the delegates from New York were to be chosen by a state convention, the members of which had been chosen by the party in the counties. From Jay's reply it appears likely that the arrangements were to be made by the presidents of the state conventions.¹

To the convention at New York, Vermont sent two delegates, New Hampshire two, Massachusetts eight, Rhode Island three, New York eighteen, Connecticut six, New Jersey twelve, Pennsylvania twelve, Delaware two, Maryland three, and South Carolina four. It will be seen that some of the smaller states sent more delegates than their larger sister states. Evidently no rules as to the number of delegates from each state were laid down by the party. At the election all the New England states with the exception of Vermont voted for Clinton. The votes of New York, New Jersey, Delaware, Tennessee, and Louisiana, were likewise cast for him, making eighty-nine in all. Madison's majority was only eighteen votes in the electoral colleges.

The analogy between this conference and the present national

¹ Jay's *Works*, IV. 362, 363; Sparks's *Morris*, III. 274.

nominating convention is then practically complete. Delegates of a distinctive political party, elected in some instances, perhaps in all, by their party in their respective states, met for the purpose of nominating a candidate for the presidency. They nominated such a candidate; their party conducted a "campaign" in his behalf and cast their votes for him at the election. The facts concerning this conference seem sufficient to warrant the assertion that this was the first national nominating convention.

The *National Intelligencer* made the following statement of the proceedings: ". . . we now learn that the resolutions of most importance were: First, that under the present circumstances it would be unwise to take up a man notoriously of their own party. Second, that they would support the candidate of the two already mentioned whose success would best promote the object of their party. Third, that they would not now make a selection of either as their candidate. In the incidental discussion to which these points gave occasion, Messrs. Otis, Gouverneur Morris, and we believe R. Goodloe Harper gave a decided preference to Mr. Clinton; and a meeting between this gentleman and certain members of the caucus, of whom Gouverneur Morris was one, was had; and in this meeting Mr. Clinton declared that all political connections between himself and the Democratic party in the United States had ceased and would not be renewed." This piece of news called forth an open letter from Mr. Otis in which he declared that the account of the proceedings was false and that no communication had been held with Mr. Clinton nor had he made any statement to the convention.

JOHN S. MURDOCK.

DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that an exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

1. Draft of an Address of the Continental Congress to the People of the United States, 1776.

THIS Address to the Inhabitants of the United Colonies is one of the way-marks on the road to independence, although it has not till now had attention drawn to it. The movement that gave rise to its preparation was started by James Wilson, who shared with Dickinson the leadership of the conservative element in Pennsylvania and in Congress. On the 9th of January, 1776, — when *Common Sense* had just made its appearance, — Wilson proposed that Congress make some answer to the recently delivered speech of the King in which the rebellious colonists were charged with aiming at independence, (*Diary of Richard Smith*, January 9.) He doubtless thought that an address to the people, telling what Congress had done and what it had in contemplation, would tend to mould opinion, particularly in Pennsylvania, where the extremists were carrying things with a high hand, and that it would serve to inspire wavering minds with enthusiasm for the cause.

Wilson had a strong following in Congress, but, mainly through the exertions of the New England delegates, led by Samuel Adams, he failed to carry his point on that day. Two weeks later, however, he was successful, and the predominance of the conservative element in Congress is shown by the election, on January 24, of Dickinson, Wilson, Hooper, Duane, and Alexander as the committee to draw up the Address. Richard Smith tells us (*Diary*, January 24) that debate on the motion to elect this committee lasted the entire day and that they were instructed to draft just such an address as is given below. "Much," adds he, "was said about Independence and the Mode and Propriety of stating

our Dependence on the King." The committee made their report to Congress on February 13, and it is entirely in the handwriting of Wilson. The Journal of Congress states that it was then tabled; and it was never again brought forward for consideration. Its spirit, in spite of the not uncertain ring of the last paragraph, was too tame to meet with general approval.

That the majority in Congress was able to bring about the election of the conservative committee just mentioned, indicates the strength at that time of those opposed to a declaration of independence. Not less interesting is the fact that the aggressive minority, favoring independence, was able, after unsuccessfully opposing the election of the committee, to win over within three weeks sufficient votes to prevent the consideration and the adoption of the Address. While Congress was not yet ready to decide in favor of independence, it was, however, unwilling to adopt any measure that might stand in the way of so doing when the opportune time should arrive. To publish this Address just as the ports were about being opened to trade and when the equipment of privateers was soon to be authorized, would have been inconsistent in the extreme, and as it could serve no good purpose, it was suppressed.

Wilson believed, with many others, that, having no instructions to favor independence, he had to do his best to steer a middle course. The importance attached to instructions is exemplified in his address to the citizens of Pennsylvania, published in the *Pennsylvania Packet* of October 17, 1780. He maintains that he was not an enemy to independence, but that he "early foresaw it could not but be the ultimate end. When the measure began to be an object of contemplation in Congress, the Delegates of Pennsylvania were expressly restricted from consenting to it; my uniform language in Congress was that I never would vote for it contrary to my instructions: I went farther, and declared, that I never would vote for it without your authority; and was I to be blamed? Should this act have been the act of four or five individuals? Or should it have been yours? It would have been the highest presumption in your Delegates to have taken a step of such immense importance without your sanction." He adds that, when the conference of committees on June 24 changed the instructions received from the Assembly, he spoke and voted for independence, and he rightfully states that his voice was necessary to carry the vote of Pennsylvania in favor of independence.

The importance of the steps in the preparation of this Address lies chiefly in showing how the more radical spirits in Congress by

sheer aggressiveness beat down their opponents and won converts to their views.

HERBERT FRIEDENWALD.

[Reports of Committees on Increasing Powers of Congress, Recommendations, Fasts, &c. N^o 24. pp. 219-232, 217.]

To the Inhabitants of the Colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, from their Delegates in Congress

Friends and Countrymen

History, we believe, cannot furnish an Example of a Trust, higher and more important than that, which we have received from your Hands. It comprehends in it every Thing that can rouse the Attention and interest the Passion of a People, who will not reflect Disgrace upon their Ancestors, nor degrade themselves, nor transmit Infamy to their Descendants. It is committed to us at a Time when every Thing dear and valuable to *such* a People is in imminent Danger. This Danger arises from those, whom we have been accustomed to consider as our Friends; who really were so, while they continued friendly to themselves; and who will again be so, whenever they shall return to a just sense of their own Interests. The Calamities, which threaten us, would be attended with the total Loss of those Constitutions, formed upon the venerable Model of British Liberty, which have been long our Pride and Felicity. To avert those *Calamities* we are under the disagreeable Necessity of making temporary Deviations from those *Constitutions*.

Such is the Trust reposed in us. Much does it import you and us, that it be executed with Skill and with Fidelity. That we have discharged it with Fidelity, we enjoy the Testimony of a good Conscience. How far we have discharged it with Skill must be determined by you, who are our Principals and Judges, to whom we esteem it our Duty to render an Account of our Conduct. To enable you to judge of it, as we would wish you to do, it is necessary that you should be made acquainted with the *Situation*, in which your Affairs have been placed; the *Principles*, on which we have acted; and the *Ends*, which we have kept and still keep in View.

That all Power was originally in the People — that all the Powers of Government are derived from them — that all Power, which they have not disposed of, still continues theirs — are Maxims of the *English* Constitution, which, we presume, will not be disputed. The Share of Power, which the King derives from the People, or, in other Words, the Prerogative of the Crown, is well known and precisely ascertained: It is the same in *Great*

Britain and in the Colonies. The Share of Power, which the House of Commons derives from the People, is likewise well known. The Manner in which it is conveyed is by Election. But the House of Commons is not elected by the Colonists; and, therefore, from *them* that Body can derive no Authority.

Besides; the Powers, which the House of Commons receives from its Constituents, are entrusted by the Colonies to their Assemblies in the several Provinces. Those Assemblies have Authority to propose and assent to Laws for the Government of their Electors, in the same Manner as the House of Commons has Authority to propose and assent to Laws for the Government of the Inhabitants of *Great Britain*. Now the same collective Body cannot delegate the same Powers to distinct representative Bodies. The undeniable Result is, that the *House of Commons* neither has nor can have any Power derived from the *Inhabitants of these Colonies*.

In the Instance of imposing *Taxes*, this Doctrine is clear and familiar: It is true and just in every *other* Instance. If it would be incongruous and absurd, that the same Property should be liable to be taxed by two Bodies independent of each other; would less Incongruity and Absurdity ensue, if the same Offence were to be subjected to different and perhaps inconsistent Punishments? Suppose the Punishment directed by the Laws of one Body to be Death, and that directed by those of the other Body to be Banishment for Life; how could both Punishments be inflicted?

Though the Crown possesses the same Prerogative over the Colonies, which it possesses over the Inhabitants of *Great Britain*: Though the Colonists delegate to their Assemblies the same Powers, which our Fellow-Subjects in *Britain* delegate to the House of Commons: Yet by some inexplicable Mystery in Politics, which is the Foundation of the odious System that we have so much Reason to deplore, *additional* Powers over you are ascribed to the Crown, as a Branch of the British Legislature: And the House of Commons—a *Body which acts Solely by derivative Authority*—is supposed entitled to exert over you an Authority, which *you* cannot give, and which *it* cannot receive.

The Sentence of universal Slavery gone forth against you is; *that the British Parliament have Power to Make Laws*, WITHOUT YOUR CONSENT, *binding you in ALL Cases whatever*. Your Fortunes—your Liberties—your Reputations—your Lives—every Thing that can render you and your Posterity happy—all are the Objects of the Laws: All must be enjoyed, impaired or destroyed as the Laws direct. And are you the Wretches, who have Nothing that you *can* or *ought* to call *your own*? Were all the rich Blessings of Nature—all the Bounties of indulgent Providence—poured upon you, not for your own Use; but for the Use of those, upon whom neither Nature nor Providence hath bestowed Qualities or Advantages superior to yours?

From this Root of Bitterness numerous are the Branches of Oppression that have sprung. Your most undoubted and highest-priz'd Rights have been invaded. Heavy and unnecessary Burthens have been imposed on

you: Your Interests have been neglected, and sometimes wantonly sacrificed to the Interests, and even to the Caprice of others. When you felt — for your Enemies have not yet made any Laws to divest you of feeling — Uneasiness under your Greivances, and expressed it in the natural Tone of Complaint; your Murmurs were considered and treated as the Language of Faction, and your Uneasiness was ascribed to a restive Disposition, impatient of Controul.

In Proportion, however, as your Oppressions were multiplied and increased, your Opposition to them became firm and vigourous. Remonstrances succeeded Petitions: A Resolution, carried into Effect, not to import Goods from *Great Britain* succeeded both. The Acts of Parliament then complained of were, in Part, repealed. Your Good-Humour and unsuspecting Fondness returned. Short — alas! *too* short — was the Season allowed for indulging them. The former System of Rigour was renewed.

The Colonies, wearied with presenting fruitless Supplications and Petitions *separately*; or prevented, by arbitrary and abrupt Dissolutions of their Assemblies, from using even those fruitless Expedients for Redress, determined to *join* their Counsels and their Efforts. Many of the Injuries flowing from the unconstitutional and ill-advised Acts of the British Legislature affected all the Provinces equally; and even in those Cases, in which the Injuries were confined, by the Acts, to one or to a few, the *Principles*, on which they were made extended to all. If common Rights, common Interests, common Dangers and common Sufferings are Principles of Union, what could be more natural than the Union of the Colonies?

Delegates, authorised by the several Provinces from Nova Scotia to Georgia to represent them and act in their Behalf, met in GENERAL CONGRESS.

It has been objected, that this Measure was unknown to the Constitution; that the Congress was, of Consequence, an illegal Body; and that its Proceedings could not, in any Manner, be recognized by the Government of Britain. To those, who offer this Objection, and have attempted to vindicate, by its supposed Validity, the Neglect and Contempt, with which the Petition of that Congress to his Majesty was treated by the Ministry, we beg Leave, in our Turn, to propose, that they would explain the Principles of the Constitution, which warranted the *Assembly of the Barons at RUNNINGMEDE* when MAGNA CHARTA was signed, the *Convention-Parliament* that recalled Charles 2^d and the *Convention of Lords and Commons* that placed King William on the Throne. When they shall have done this we shall, perhaps, be able to apply their Principles to prove the necessity and Propriety of a Congress.

But the Objections of those, who have done so much and aimed so much against the Liberties of America, are not confined to the *Meeting* and the *Authority* of the Congress: They are urged with equal Warmth against the *Views* and *Inclinations* of those who composed it. We are told, in the Name of Majesty itself, that “the Authors and Promoters of

this *desperate Conspiracy*," as those who framed his Majesty's Speech are pleased to term our *laudable Resistance*, "have, in the Conduct of it, derived great Advantage from the Difference of his Majesty's Intentions and theirs. That they meant only to amuse by vague Expressions of Attachment to the Parent State, and the strongest Protestations of Loyalty to the King, whilst they were preparing for a general Revolt. That, on the Part of his Majesty and the Parliament, the Wish was rather to reclaim than to subdue." It affords us some Pleasure to find that the Protestations of Loyalty to his Majesty, which have been made, are allowed to be strong; and that Attachment to the Parent State is owned to be expressed. Those Protestations of Loyalty and Expressions of Attachment ought, by every Rule of Candour, to be presumed sincere, unless Proofs evincing their Insincerity can be drawn from the Conduct of those who used them.

In examining the Conduct of those, who directed the Affairs of the Colonies at the Time when, it is said, they were preparing for a general Revolt, we find it an easy Undertaking to shew, that they merited no Reproach from the British Ministry by Making any Preparations *for that Purpose*. We wish it were as easy to shew, that they merited no Reproach from their Constituents, by neglecting the necessary Provisions *for their Security*. Has a single Preparation been made, which has not been found requisite for our Defence? Have we not been attacked in Places where, fatal Experience taught us, we were not sufficiently prepared for a successful Opposition? On which Side of this unnatural Controversy was the *ominous Intimation* first given, that it must be decided by Force? Were Arms and Ammunition imported into *America*, before the Importation of them was prohibited? What Reason can be assigned for this Prohibition, unless it be this: that those who made it had determined upon such a System of Oppression as they knew, would *force* the Colonies into Resistance? And yet, they "wished only to reclaim!"

The Sentiments of the Colonies, expressed in the Proceedings of their Delegates assembled in 1774 were far from being disloyal or disrespectful. Was it disloyal to offer a Petition to your Sovereign? Did your still and anxious Impatience for an Answer, which your *Hopes*, founded only on your *Wishes*, as you too soon experienced, flattered you would be a gracious one—did this Impatience indicate a Disposition only to amuse? Did the keen Anguish, with which the Fate of the Petition filled your Breasts, betray an Inclination to avail your selves of the Indignity, with which you were treated, for forwarding favourite Designs of Revolt?

Was the Agreement not to import Merchandise from *Great Britain* or *Ireland*; nor, after the tenth Day of September last, to export our Produce to those Kingdoms and the *West-Indies*—was this a disrespectful or an hostile Measure? Surely we have a Right to withdraw or to Continue our own Commerce. Though the British Parliament have exercised a Power of *directing* and *restraining* our Trade; yet, among all their extraordinary Pretensions, we recollect no Instance of their attempting to *force* it contrary to our Inclinations. It was well known, before this Measure was

adopted, that it would be detrimental to our own Interest, as well as to that of our fellow-Subjects. We deplored it on both Accounts : We deplored the Necessity that produced it. But we were willing to sacrifice our Interest to any probable Method of regaining the Enjoyment of those Rights, which, by violence and Injustice, had been infringed.

Yet even this peaceful Expedient, which Faction surely never suggested, has been represented, and by high Authority too, as a seditious and unwarrantable Combination. We are, we presume, the first Rebels and Conspirators, who commenced their Conspiracy and Rebellion with a System of Conduct, immediately and directly frustrating every Aim, which Ambition or Rapaciousness could propose. Those, whose Fortunes are desperate, may upon slighter Evidence be charged with desperate Designs : But how improbable is it, that the Colonists, who have been happy, and have known their Happiness in the quiet Possession of their Liberties ; who see no Situation more to be desired, than that, in which, till lately, they have been placed ; and whose warmest Wish is to be re-instated in the Enjoyment of that Freedom, which they claim and are entitled to as Men and as British Subjects — how improbable is it that *such* would, without any Motives that could tempt even the most *profligate* Minds to Crimes, plunge themselves headlong into all the Guilt and Danger and Distress, with which those that endeavour to overturn the Constitution of their Country are always surrounded, and frequently overwhelmed ?

The humble unaspiring Colonists asked only for “Peace, Liberty and Safety.” This, we think, was a reasonable Request : Reasonable as it was, it has been refused. Our ministerial Foes, dreading the Effects, which our commercial Opposition might have upon their favourite Plan of reducing the Colonies to Slavery, were determined not to hazard it upon that Issue. They employed military Force to carry it into Execution. Opposition of Force by Force, or Unlimited Subjection was now our only Alternative. Which of them did it become Freemen, determined never to surrender that Character, to chuse ? The Choice was worthily made. We wish for Peace — we wish for Safety : But we will not, to obtain either or both of them, part with our Liberty. The sacred Gift descended to us from our Ancestors : We cannot dispose of it : We are bound by the strongest Ties to transmit it, as we have received it, pure and inviolate to our Posterity.

We have taken up Arms in the best of Causes. We have adhered to the virtuous Principles of our Ancestors, who expressly stipulated, in their Favour, *and in ours*, a Right to resist every attempt upon their Liberties. We have complied with our Engagements to our Sovereign. He should be the *Ruler* of a *free* People : We will not, as far as his Character depends upon us, permit him to be degraded into a *Tyrant* over *Slaves*.

Our *Troops* are Animated with the Love of Freedom. They have fought and bled and conquered in the Discharge of their Duty as good Citizens as well as brave Soldiers. Regardless of the Inclemency of the Seasons, and of the Length and Fatigue of the March, they go, with Cheerfulness, wherever the Cause of Liberty and their Country requires

their Service. We confess that they have not the Advantages arising from Experience and Discipline: But Facts have shewn, that native Courage, warmed with Patriotism, is sufficient to counterbalance those Advantages. The Experience and Discipline of our Troops will daily encrease: Their Patriotism will receive no Diminution: The longer those, who have forced us into this War, oblige us to continue it, the more formidable we shall become.

The Strength and Resources of *America* are not confined to Operations *by Land*. She can exert herself likewise *by Sea*. Her Sailors are hardy and brave: She has all the Materials for Ship-building: Her Artificers can work them into Form. We pretend not to vie with the Royal Navy of England; though that Navy *had its Beginnings*: But still we may be able in a great Measure to defend our own Coasts; and may intercept, as we have been hitherto successful in doing, Transports and Vessels laden with Stores and Provisions.

Possessed of so many Advantages; favoured with the Prospect of so many more: Threatened with the Destruction of our Constitutional Rights; cruelly and illiberally attacked, because we will not subscribe to our own Slavery; ought we to be animated with Vigour; or to sink into Despondency? When the Forms of our Government are, by those entrusted with the Direction of them, perverted from their original Design; ought we to submit to this Perversion? Ought we to sacrifice the *Forms*, when the Sacrifice becomes necessary for preserving the *Spirit* of our Constitution? — Or ought we to neglect, and, neglecting, to lose the Spirit by a superstitious Veneration for the Forms? We regard those Forms, and wish to preserve them as long as we can consistently with higher Objects: But much more do we regard essential Liberty, which, at all Events, we are determined not to lose, but with our Lives. In contending for this Liberty, we are willing to go through good Report, and through evil Report.

In our present situation, in which we are called to oppose an Attack upon your Liberties, made under bold Pretensions of Authority from that Power, to which the executive Part of Government is, in the ordinary Course of Affairs, committed — in this Situation, every Mode of Resistance, though directed by Necessity and by Prudence, and authorised by the Spirit of the Constitution, will be exposed to plausible Objections drawn from its Forms. Concerning such Objections, and the Weight that may be allowed to them, we are little solicitous. It will not discourage us to find ourselves represented as “labouring to enflame the Minds of the People in America, and openly avowing Revolt Hostility and Rebellion.” We deem it an Honour to “have raised Troops, and collected a Naval Force”; and, “*cloathed with the sacred Authority of the People, from whom all LEGITIMATE AUTHORITY proceeds*, to have exercised legislative, executive and judicial Powers.” For what Purposes were those Powers instituted? For your Safety and Happiness. You and the World will judge whether those Purposes have been best promoted by us; or by those who claim the Powers, which they charge us with assuming.

But while we feel no Mortification at being misrepresented with Regard to the *Measures* employed by us for accomplishing the great Ends, which you have appointed us to pursue ; we cannot sit easy under an Accusation, which charges us with laying aside those *Ends*, and endeavouring to accomplish *such as are very different*. We are accused of carrying on the War “for the Purpose of establishing an independent Empire.”

We disavow the Intention — We declare, that what we aim at, and what we are entrusted by you to pursue, is *the Defence and the Re-establishment of the constitutional Rights of the Colonies*. Whoever gives impartial Attention to the Facts we have already stated, and to the Observations we have already made, must be fully convinced that all the Steps, which have been taken by us in this unfortunate Struggle, can be accounted for as rationally and as satisfactorily by supposing, that the Defence and Re-establishment of their Rights were the Objects which the Colonists and their Representatives had in View ; as by supposing that an independent Empire was their Aim. Nay, we may safely go farther and affirm, without the most distant Apprehension of being refuted, that many of those Steps can be accounted for rationally and satisfactorily only upon the former Supposition ; and cannot be accounted for, in that Manner, upon the latter. The numerous Expedients that were tried, though fruitlessly, for avoiding Hostilities : The visible and unfeigned Reluctance and Horror, with which we entered into them : The Caution and Reserve, with which we have carried them on : The attempts we have made by petitioning the Throne, and by every other Method, which might probably, or could possibly be of any Avail for procuring an Accommodation — These are not surely the usual Characteristics of Ambition.

In what Instance have we been the Aggressors ? Did our Troops take the Field before the ministerial Forces began their hostile March to *Lexington* and Concord ? Did we take Possession, or did we form any Plan for taking Possession of *Canada*, before we knew that it was a Part of the ministerial System to pour the *Canadians* upon our Frontiers ? Did we approach the *Canadians*, or have we treated them as Enemies ? Did we take the Management of the *Indian* Tribes into our Hands, before we were well assured that the Emissaries of Administration were busy in persuading them to strike us ? When we treated with them, did we imitate the barbarous Example ? Were not our Views and Persuasions confined to keeping them in a State of Neutrality ? Did we seize any Vessel of our Enemies, before our Enemies had seized some of ours ? Have we yet seized any, except such as were employed in the Service of Administration, and in supplying those that were in actual Hostilities against us ? Cannot our whole Conduct be reconciled to *Principles and Views of Self-Defence* ? Whence then the uncandid Imputation of *aiming at an independent Empire* ?

Is no Regard to be had to the Professions and Protestations made by us, on so many different Occasions, of Attachment to Great Britain, of Allegiance to his Majesty ; and of Submission to his government upon the

Terms, on which the Constitution points it out as a Duty, and on which alone a *British Sovereign* has a Right to demand it?

When the Hostilities commenced by the ministerial Forces in Massachusetts Bay, and the imminent Dangers threatening the other Colonies rendered it absolutely necessary that they should be put into a State of Defence — even on that Occasion, we did not forget our Duty to his Majesty, and our regard for our fellow-Subjects in Britain. Our Words are these: “But as we most ardently wish for a Restoration of the Harmony formerly subsisting between our Mother-Country and these Colonies, the Interruption of which must, at all Events, be exceedingly injurious to both Countries: [Resolved] that with a sincere Design of contributing, by all Means in our Power not incompatible with a just Regard for the undoubted Rights and true Interests of these Colonies, to the Promotion of this most desirable Reconciliation, an humble and dutiful Address be presented to his Majesty.”

If Purposes of establishing an independent Empire had lurked in our Breasts, no fitter Occasion could have been found for giving Intimations of them, than in our Declaration setting forth the Causes and Necessity of our taking up Arms: Yet even there no Pretence can be found for fixing such an Imputation on us. “Lest this Declaration should disquiet the Minds of our Friends and fellow-Subjects in any Part of the Empire, we assure them, that we mean not to dissolve that Union, which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate Measure, or induced us to excite any other Nation to war against them. We have not raised Armies with the ambitious Designs of Separating from Great Britain, and establishing independent States.” Our Petition to the King has the following asseveration. “By such Arrangements as your Majesty’s Wisdom can form for collecting the united Sense of your American People, we are convinced your Majesty would receive such satisfactory Proofs of the Disposition of the Colonists towards their Sovereign and the Parent State, that the wished for Opportunity would be soon restored to them, of evincing the Sincerity of their Professions by every Testimony of Devotion becoming the most dutiful Subjects and the most affectionate Colonists.” In our Address to the Inhabitants of Great Britain, we say: “We are accused of aiming at Independence: But how is this Accusation supported? By the Allegations of your Ministers, not by our Actions. Give us Leave most solemnly to assure you, that we have not yet lost Sight of the Object we have ever had in View, a Reconciliation with you on constitutional Principles, and a Restoration of that friendly Intercourse, which to the Advantage of both we till lately maintained.”

If we wished to detach you from your Allegiance to his Majesty, and to wean your Affections from a Connexion with your fellow-Subjects in Great Britain, is it likely that we would take so much Pains upon every proper Occasion, to place those Objects before you in the most agreeable Points of View?

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If any equitable Terms of Accommodation had been offered to us, and we had rejected them, there would have been some Foundation for the Charge that we endeavoured to establish an independent Empire. But no Means have been used either by Parliament or by Administration for the Purpose of bringing this Contest to a Conclusion, besides Penalties directed by Statutes, or Devastations occasioned by War. Alas ! how long will Britons forget that Kindred-Blood flows in your Veins? How long will they strive, with hostile Fury, to sluice it out from Bosoms that have already bled in their Cause ; and, in their Cause, would still be willing to pour out what remains, to the last precious Drop ?

We are far from being insensible of the Advantages, which have resulted to the Colonies as well as to Britain from the Connexion which has hitherto subsisted between them : We are far from denying them, or wishing to lessen the Ideas of their Importance. But the Nature of the Connexion, and the Principles, on which it was originally formed, and on which alone it can be maintained, seem unhappily to have been misunderstood or disregarded by those, who laid and conducted the late destructive Plan of Colony-Administration. It is a Connexion founded upon mutual Benefits ; upon Religion, Laws, Manners, Customs and Habits common to both Countries. Arbitrary Exertions of Power on the Part of Britain, and servile Submission on the [torn] Colonies, if the Colonies should ever become degenerate enough to [torn] it, would immediately rend every generous Bond asunder. An intimate Connexion between Freemen and Slaves cannot be continued without Danger and, at last, Destruction to the former. Should your Enemies be able to reduce you to Slavery, the baneful Contagion would spread over the whole Empire. We verily believe that the Freedom, Happiness and Glory of Great Britain, and the Prosperity of his Majesty and his Family depend upon the Success of your Resistance. You are now expending your Blood, and your Treasure in promoting the Welfare and true Interests of your Sovereign and your fellow-Subjects in Britain, in Opposition to the most dangerous Attacks that have been ever made against them.

The Ideas of deriving Emolument to the Mother Country by taxing you, and depriving you of your Constitutions and Liberties were not introduced till lately. The Experiments, to which those Ideas have given Birth, have proved disastrous : The Voice of Wisdom calls loudly that they should be laid aside. Let them not, however, be removed from View. They may serve as Beacons to prevent future Shipwrecks.

Britain and these Colonies have been Blessings to each other. Sure we are, that they might continue to be so. Some salutary System might certainly be devised, which would remove, from both Sides, Jealousies that are ill-founded, and the Causes of Jealousies that are well founded ; which would restore to both Countries those important Benefits that Nature seems to have intended them reciprocally to confer and to receive ; and which would secure the Continuance and the Encrease of those Benefits to numerous succeeding Generations. That such a System may be formed is our ardent Wish.

But as such a System must affect the Interest of the Colonies as much as that of the Mother Country, why should the Colonies be excluded from a Voice in it? Should not, to say the least upon this Subject, their Consent be asked and obtained as to the *general Ends* which it ought to be calculated to answer? Why should not its Validity depend upon us as well as upon the Inhabitants of Great Britain? No Disadvantage will result to them: An important Advantage will result to [us]. We shall be affected by no Laws, the Authority of which, as far as they regard us, is not *founded on our own Consent*. This Consent may be expressed as well by a Solemn Compact, as if the Colonists, by their Representatives, had an immediate Voice in passing the Laws. In a Compact we would *concede* liberally to Parliament: For the *Bounds* of our Concessions would be known.

We are too much attached to the English Laws and Constitution and know too well their happy Tendency to diffuse Freedom, Prosperity and Peace wherever they prevail, to desire an independent Empire. If one Part of the Constitution be pulled down, it is impossible to foretel whether the other Parts of it may not be shaken, and, perhaps, overthrown. It is a Part of our Constitution to be under Allegiance to the Crown. Limited and ascertained as the Prerogative is, the Position — *that the King can do no wrong* — may be founded in *Fact* as well as in *Law*, if you are not wanting to yourselves.

We trace your Calamities to the House of Commons. *They* have undertaken to *give* and *grant your* Money. From a supposed virtual Representation in *their* House it is argued, that *you* ought to be bound by the Acts of the British Parliament in all Cases whatever. This is no Part of the Constitution. This is the Doctrine, to which we will never subscribe our Assent: This is the Claim, to which we adjure you, as you tender your own Freedom and Happiness, and the Freedom and Happiness of your Posterity, never to submit. The same Principles, which directed *your Ancestors* to oppose the exorbitant and dangerous Pretensions of the Crown, should direct *you* to oppose the no less exorbitant and dangerous Claims of the House of Commons. Let all Communication of despotic Power through that Channel be cut off, and your Liberties will be safe.

Let neither our Enemies nor our Friends make improper Inferences from the Solicitude, which we have discovered to remove the Imputation of aiming to establish an independent Empire. Though an independent Empire is not our *Wish*; it may — let your Oppressors attend — it may be the *Fate* of our Countrymen and ourselves. It is in the Power of your Enemies to render Independency or Slavery your and our only alternative. Should we — will you, in such an Event, hesitate a Moment about the Choice? Let those, who drive us to it, answer to their King and to their Country for the Consequences. We are *desirous* to continue Subjects: But we are *determined* to continue Freemen. We shall deem ourselves bound to renounce; and, we hope, you will follow our Example in renouncing the *former* Character whenever it shall become incompatible with the *latter*.

While we shall be continued by you in the very important Trust, which you have committed to us, we shall keep our Eyes constantly and steadily fixed upon the grand Object of the Union of the Colonies — THE RE-ESTABLISHMENT AND SECURITY OF THEIR CONSTITUTIONAL RIGHTS. Every Measure that we employ shall be directed to the Attainment of this great End: No Measure, necessary, in our Opinion, for attaining it, shall be declined. If any such Measure sh [torn] our principal Intention, draw the Colonies into Engagements that may suspend or dissolve their Union with their fellow-Subjects in Great Britain, we shall lament the Effect; but shall hold ourselves justified in adopting the Measure. That the Colonies may continue connected, as they have been, with Britain, is our second Wish: Our first is — THAT AMERICA MAY BE FREE.

2. *The Surrender of Fort Charlotte, Mobile, 1780.*

[The following documents are sent by William Beer, Esq., Librarian of the Howard Memorial Library, New Orleans.]

During a short visit to London in 1895, I found at the Record Office, under the heading *Colonial Records, America and West Indies*, a complete series of documents relative to the history of the British colony of West Florida. I made a few notes, among which the more interesting relate to the capture of Fort Charlotte, Mobile, by the Spanish under Don Bernardo de Galvez.

After describing the surrender of Fort Bute and Baton Rouge, Gayarré in the *History of Louisiana* states that "on the 5th February, 1780, Galvez sailed from the Balize with 2000 men, composed of regulars, of the militia of the colony, and of some companies of free blacks. In the Gulf he was overtaken by a storm which crippled some of his vessels. After some delay Galvez succeeded in landing his army on the eastern point of Mobile harbor, but in such confusion that had General Campbell, who was at Pensacola, marched immediately against them, he might have secured an easy victory. For this Galvez had made provision, but learning from his spies that the English showed no sign of sallying from Pensacola he decided to attack Fort Charlotte."

We learn from Von Eelking, *Die Deutschen Hilfstruppen im Nordamerikanischen Befreiungs-Kriege, 1776 bis 1783*, Hannover, 1863, that an effort was made by General Campbell to relieve the fort, but the movements of the relieving force were delayed by heavy rain-storms which flooded the country.

After the summons to surrender and the receipt of Captain

Durnford's reply, siege batteries were erected, in ten days a breach was made in the walls of the fort, and its commander wisely capitulated. It is said that, on the discovery of the small number of the defenders of the fort, Galvez regretted the easy terms granted.

[Copied from America and West Indies :
Floridas 1702-1782. No. 533.]

A LA POINTE DES CHAKTO, le 1 Mars, 1780.

Monsieur,

Si j'avais moins de deux mille hommes à mes ordres, et si vous aviez plus de cent soldats et quelques matelots, je ne vous ferois pas la proposition de vous rendre, mais la grande inégalité des forces nous met dans le cas — vous de céder immédiatement ou moi de vous faire subir toutes les extrémités de la guerre, si une résistance inutile et déplacée irrite la patience de mes troupes, trop ennuyés par quelques contretemps.

Au jour d'hui je suis prêt à vous accorder une capitulation régulière et conforme aux circonstances — demain peut-être il n'y aura plus d'autre partie pour vous que le repentir infructueux de n'avoir pas accepté ma proposition en faveur des malheureux qui sont sous votre commandement.

J'ai l'honneur d'être

Monsieur

Votre très humble et

très obéissant serviteur

[Signed] B^{de} DE GALVEZ.

FORT CHARLOTTE, MOBILE, 1 March, 1780.

Sir,

I have the honor to acknowledge the receipt of your Excellency's Summons to surrender immediately the Fort to your Excellency's Superior Forces.

The difference of numbers I am convinced are greatly in your favor, Sir, but mine are much beyond your Excellency's conception and was I to give up this Fort on your demand, I should be regarded as a traitor to my king and country. My love for both and my own honor direct my heart to refuse surrendering this Fort until I am under conviction that resistance is in vain.

The generosity of your Excellency's mind is well known to my brother officers and soldiers and should it be my misfortune to be added to their number a heart full of generosity and valor will ever consider brave men fighting for their country as objects of esteem and not revenge.

I have the honor to be

[Signed] ELIAS DURNFORD.

Gov. D. B. DE GALVEZ.

MOBILE, 2nd March, 1780.

Sir,

Soon after I sent Land Express, a flag was perceived in the wood and I sent an officer to receive it at some distance.

This, as I expected, was a summons to surrender to Don Bernardo de Galvez's Superior Forces. A copy of which you have inclosed with my answer thereto — The Flag was brought in Person by an old acquaintance, Colonel Bolyny who sent me a polite card — wishing for the pleasure of an interview if possible, and Profession of Friendship, although we were National enemies, on which I sent Mr. Barde to conduct him into the Fort with the customary ceremony where he dined and continued until near five o'clock drinking a chearful Glass to the healths of our King and Friends.

During our conversation I found that the Report of the Shipwreck was true; he acknowledged that they had undergone great hardships, but would not allow to have lost any men, and informed me that they were about 2500 men, but by trusty indians who were sent by me into the camp in the morning, I learned that a great number were negroes and mulattoes and that they had landed no cannon.

Bolyny confirmed that we had cut the cable and just hit the Row Galley — but we are certain that three nine Pounders shot hit her and as she is gone off I suspect she is well mauled for yesterday morning she was seen opposite the Chactaws on a heal and I suppose is gone to Dog River to repair the damage received from our shot.

As soon as Colonel Bolyny left me I drew up my Garrison in the square, read to them Don Galvez's summons, and then told them that if any man among them was afraid to stand by me that I should open the gate and he should freely pass. this had the desired effect, and not a man moved. I then read to them my answer to the summons in which they all joined in three cheers and then went to our necessary work like good men.

I really believe their (the enemy's) force is greatly magnified.

I am —

[Signed] ELIAS DURNFORD.

GENERAL CAMPBELL.

Your great good news hath just arrived. I thank you dear Sir for the consolation it affords me. I need not say I will defend Fort to the last extremity. The vessels I can see from this are in the mouth of the East Pass about two miles distant from the Fort. And the Galvez Brig is one and Picklers' Florida the other. Near to the Dog River are five ships or Pollaccas and I am informed that three or four are in Dog River besides the Row Galley. I am &c.

[Signed] ELIAS DURNFORD.

4 o'clock afternoon.

[GEN.] CAMPBELL.

Sir,

It is my misfortune to inform you that this morning my small but brave Garrison marched down the Breach and surrendered themselves Prisoners of War to General Bernardo de Galvez's Superior Arms. I write for your information and request you will do me the favor to inform Mrs. Durnford that I am in good health and that she ought to be under no uneasiness at my fate, when it is in my power to send you the Capitulation and state preceeding it for a few days will do it; in the mean time I assure you Sir that no man in the Garrison hath stained the Luster of the British Arms.

I have the honor to be &c.

[Signed] ELIAS DURNFORD.

FORT CHARLOTTE, MOBILE, 14th March 1780.

The number by return of killed, wounded, and prissoners, 304.

3. Letter of John Page to Madison, 1801.

The following letter of John Page, a patriot of the Revolution, a member of Congress from 1789 to 1797, and Governor of Virginia from 1802 to 1805, was found among a collection of old letters in the Department of State at Washington, labelled "Applications and Recommendations for Office. Chiefly Revolutionary Officers." It seems to have no place in this collection unless the wish expressed in it that "every possible encouragement may be given by Government to such vigilant and enlightened editors of newspapers as have ably supported the Republican cause" may be considered as recommending newspaper men for offices under Jefferson's administration.

E. I. RENICK.

ROSEWELL
Ap! 7th 1801.

My dear Sir

I return you my best Thanks for your Friendly Answer to my Letter.

I heartily condole with you on the Death of your Father, a Circumstance but lately made known to me: and lament the bad State of your Health. But I sincerely hope that you will be soon restored to perfect Health, and that no Circumstance may occur to interrupt you in the Exercise of the Office, in which every Friend of yours and of the United States wished to see you placed.

We rejoice with sincere, but dignified and well regulated Expressions of Joy, at the late happy Triumphs of the republican Cause here, and at the Confusion and overthrow of the formidable Combination in Europe of its

imperial Enemies. Both Whigs and Tories, I am told, have expressed their Approbation of the President's Address, and Creed. I have declared it to be the Creed of the *true* holy catholic Church, and truly apostolical ; as it is the Creed which the Apostles might have taught, had they, like so many modern Apostles, been permitted to meddle with the Affairs of this World, and its Forms of Government ; it being so admirably calculated to bring into general and national Use and Practice the benevolent Precepts of the Gospel. The principal Leaders of the late Federal Faction seem still very anxious to thrust Federalists as they call them into Seats in Congress. Which proves, that they still meditate Mischief. For they formerly declared that the Views and Measures of the Administration, or of Government, as they termed it, ought to be supported by Congress ; and that therefore, no one opposed to those Views and Measures, ought ever to be elected to serve in Congress : seeing that Persons so opposed must from the Nature of Man embarrass Government and excite Discontents leading to Confusion, Insurrection and Anarchy. And the active long winded Speaker and everlasting scribbling Tool of the Arch-Leader, has declared to his late Constituents, that the Federalists "who have hitherto conducted the Affairs of this Government, have left an easy Task to their successors. Every thing has been done to their Hands, in spite of their constant and violent Opposition" — "all that is required of them is, to preserve things in their present State ; to keep up the Fences which have been made on the Farm, to prevent the Buildings which have been erected from falling down, through want of repair ; and to keep the Fields from being over-run by Briars and Weeds. In this respect their Task is easy. In another it is hard indeed. For should they by their Rashness, their Feebleness, or their Folly destroy the fair Fabric of national Happiness, which their Predecessors have erected ; should they embroil the Nation unnecessarily with its Neighbours, or suffer to fall into ruin those domestic Establishments which have bestowed upon it such unexampled Prosperity, the day of Account and Retribution will come, and a dreadful day it will be." Here then you see the Necessity, in the Opinion of staunch Feds, of keeping in Congress at least a sufficient Number of their Party to watch the Conduct of the Anti-feds or Democrats ; to see whether they will "*keep up the Fences,*" *keep down the Briars* and do all things according to the true federal Plan ; and on the first Deviation therefrom to cry out for the Retribution, and to fix on the dreadful Day of Account : in short to produce that opposition to Gov^t which they vainly hope will produce Discontent and Insurrection, and which they as vainly hope would be supported by powerful Assistance from those "*Neighbours*" with whom they have been so much afraid of being "*embroiled.*" I have taken the Liberty of making these Remarks because I really think it worth your Trouble to watch the Machinations of that restless, active implacable Enemy of our President and of his Principles of Government. I wish every possible Encouragement may be given by Gov^t to such vigilant and enlightened Editors of News-papers as have ably supported the republican Cause, and in Defiance of the Terrors of the Sedition

Act, and the seducing Arts of a corrupt and corrupting Administration, boldly exposed to public View both the Errors and Vices of the Leaders of a detestable Faction. Would you believe that some well meaning People had been induced to believe that the late Insurrection of Slaves at Richmond would not have happened had not the Army been disbanded, and that therefore a standing Army is or ought to be a desirable Object to Citizens of the Southern States?. These good People or some of them at least have been since led to suspect that an Insurrection in these States, and particularly in this, which was denounced by P—t Adams as having Faction in it which deserved to be humbled in the dust &c, would be a more desirable Object to certain friends of energetic Government, and its support, a Standing Army, than such an Army ought to be even to a South Carolinian. But I am again running on beyond the Bounds I had prescribed to myself in a Letter to you.

M^{rs} Page is thankful to you and M^{rs} Madison for your kind remembrance of her when she deserved to be forgotten — but she declares that various Accidents have happened which deprived her of the Pleasure she had promised herself in writing to M^{rs} Madison, but that she will certainly send her a Letter by the next Post. She unites with me in presenting to you both, our best Wishes and Assurances of our Esteem and Affection

I am dear Sir your Friend

JOHN PAGE.

P.S.

Whenever you may find leisure to favor me with a line direct to me near Gloucester Court House ; or near York, but not to W^mburg.

J. P.

REVIEWS OF BOOKS

The Egypt of the Hebrews and Herodotos. By the Rev. A. H. SAYCE, Professor of Assyriology at Oxford. (London and New York: Macmillan and Co. 1895. Pp. xvi, 342.)

IN this little volume Professor Sayce has repeated, condensed, and supplemented a considerable portion of his earlier writings upon Egyptian and Hebrew history, geography, and archæology. According to the preface the work "is intended to supplement the books already in the hands of tourists and students, and to put before them just that information which either is not readily accessible or else forms part of larger and more cumbrous works." The title indicates in a general way the contents of the volume. Three-fifths of the text (pp. 1-174) are taken up with the "Egypt of the Hebrews," including a sketch of the régime of the Ptolemies, and the remainder (pp. 175-286) is devoted to the "Egypt of Herodotos." Appendices, occupying 48 pages, present in tabular form, I. the Egyptian dynasties of Manetho; II. the Ptolemies; III. a list of biblical dates of relevant events; IV. a catalogue of the nomes with their respective gods; V. a critical enumeration of the Greek writers upon Egypt, and VI. directions for archæological excursions in the Delta.

It will be seen from the above summary that the book has an interesting theme. It is also an interesting book, especially for those who have not read the author's earlier publications upon the same or kindred subjects. The works to which I refer especially are, *The Ancient Empires of the East*, appended to the author's edition of the first three books of Herodotos, *Fresh Light from the Ancient Monuments*, *The Higher Criticism and the Monuments*, to which may be added a volume which appears almost simultaneously with the one under review, entitled, *Patriarchal Palestine*. The distinction in plan and purpose between the present work and the others is not that this is intended for popular use, and the others for scholars; for all of them are written in a popular style. The object of the book before us is rather to single out for special treatment that one of the ancient nations to which Professor Sayce has of late years paid most attention, and to exhibit its history from the point of view of a biblical apologist, and a reviser of Herodotos. Naturally nearly everything to be here found has been said already in one and another of the books above mentioned.

The reader is at once conscious of the lack of unity in the book, which is indeed suggested by the title, and one is inclined to ask whether it would

not have been better to write instead a succinct history of Egypt, with archæological chapters and excursuses. It certainly gives a one-sided impression of a great history, to treat it exclusively from special points of view. The biblical and classical interest in Egypt might, under the plan thus suggested, have received their due consideration. However, taking the book as we find it, we must accord it at least such commendation as the author's popular writings generally are entitled to. The style is sprightly, and compels rapid reading, partly because the author manifestly writes in haste, and partly, it must be confessed, because the positions assumed are not treated with judicial deliberation. It is undeniable also that Professor Sayce enlists the attention of his readers by adducing many facts with which he has made himself familiar, and which often have a real importance for national and comparative history. Chapter V., "The Age of the Ptolemies," is the section that will be newest to former readers of the author's writings. But the chapters on the Patriarchal Age (I.), the Age of Moses (II.), and the Exodus and the Hebrew settlement in Canaan (III.), are so replete with information or conjecture as to matters that have only come within our ken in recent years, that they still have an aspect of great freshness, especially as they tell an entertaining story in a fashion only possible to their ingenious author. Above all, the wonders of the earliest age have a perennial interest; and facts like that of the exact fitting together of the immense granite blocks of the great Pyramid (pp. 8 f.) are still surprising, even when they have lost the charm of novelty. In the second portion the chapter headed, "In the Steps of Herodotos," is probably the best worth reading; the preceding one, "Herodotos in Egypt," being perhaps a somewhat superfluous polemic against good old Herodotos, whom Professor Sayce still insists on regarding as a popular historical authority. The fact is that scholars have long since learned both to judge and to utilize the delightful old compiler, while those who are not scholars do not care whether he is accurate or not as long as he tells a good story.

But it may be more useful to the reader to point out some of the features which make the book one to be used with caution. The volume, like others of its class from the same author, is not educative. It does not set forth any principles of historical development, or indeed any unifying principle of more than a superficial kind. It presents a series of disconnected facts and observations, mainly such as confirm or illustrate the Bible, and their collocation with the matter to be confirmed or illustrated ends the significance of their citation. Moreover, the book is sadly lacking in the sense of proportion. The most insignificant matters are dealt with alongside of the most important with no sort of association except that of propinquity, and the merest speculation is co-ordinated with well-established facts. Again, in this and other writings the author justly excites distrust, not merely by his journalistic style and method, but also by his failure to give references or to indicate his sources. No living scholar can speak with independent authority on the multitude of recondite and isolated topics which form the staple of these publications. It is somewhat naïve for the

author to say in the course of a criticism of Herodotos (p. 177), "Reviewers did not exist in his days, nor were marks of quotation, or even footnotes, as yet invented." As a matter of fact, Professor Sayce's writings, in spite of his great talents and services to Oriental learning, abound in mistakes and inconsistencies — the result of over-haste, and as it would almost seem of recklessness. Little space is left here for allusion to errors or doubtful assertions. On page 2 it is said that the Babylonian states were united in 2350 B.C. This is almost certainly a century too early. The matter is of importance here as bearing upon the date of Abraham. It is seriously stated (p. 38) that the 430 years of Ex. xii. 40 f. differs from the 400 of Gen. xv. 13, by "the length of a generation" purposely added. The term *abrek*, "seer," of Gen. xli. 43, can hardly be referred to the alleged "primitive non-Semitic language of Chaldæa" (p. 33), in view of the Assyrian root *barû*, "to see," and the Assyrian nominal termination. On page 116 it is asserted incorrectly of Sennacherib that the spoils and captives of Judah were the only fruits of his campaign in Palestine. On the same page, the statement as to Esarhaddon that "Manasseh of Judah became his vassal and the way lay open to the Nile," is quite misleading, since Manasseh was a vassal of Sennacherib also. On page 118 it is said that "Assurbanipal left Egypt in the full belief that it was tranquil." It is extremely doubtful if Assurbanipal ever saw Egypt. On page 128, the taking of Jerusalem is placed in 588 B.C. instead of 586. We notice also that Professor Sayce still persists in writing "*dragomen*" (pp. 123, 193, 273, 278, 286).

J. F. McCURDY.

The Empire of the Ptolemies. By J. P. MAHAFFY, Fellow, etc., of Trinity College, Dublin. (London and New York: Macmillan and Co. 1895. Pp. xxv, 533.)

It is eminently fitting that the first special and complete history of the dynasty of the Ptolemies in Egypt should come to us from England, after her entrance into the inheritance of the Ptolemies. The problems which confront her in the administration of Egypt are in many ways like those which confronted Alexander the Great and Ptolemy Lagus. And there seems to be on the part of the English government the same marvellous perception of the best methods of evoking and enjoying the inexhaustible riches of this ever fruitful Nile-land, which Alexander first showed when he took it in willing lapse from the mismanagement of Persia, as England from that of Turkey. Ptolemy Lagus wisely adopted the methods of his great master, and established them so securely in the course of his long and successful reign that not even the degeneracy of his latest descendants weakened their hold upon this rich domain. They passed it over to the Romans. Romans, Saracens, and Turks have spoiled but not exhausted the patient land. Its frugal and laborious people, now as always really swayed only by religious masters, willingly pour the fruits of their toil

into the lap of the power which gives them the privilege thus to be swayed.

And perhaps no British subject is so well qualified as Professor Mahaffy to give us this history of the Ptolemies. He has not only passed in careful review the life and thought of ancient Hellas, but has made peculiarly his own the history of the expanding influences of Hellenism in Orient and Occident. His *Greek Life and Thought* sketched the history of the confused period during which the empire of Alexander, representing the principle of despotism infused with Hellenism, falls into ruins and is slowly absorbed by the empire of the Romans, representing the principle of independent self-government infused with Hellenism. During the convulsions of this chaotic period the history of the Ptolemies, especially after the first four reigns, hardly emerges from a safe obscurity. Egypt lies on the outer edge of the political maelstrom. It is not powerful enough or distinctive enough as a nation to influence the greater destinies. It can only watch their evolution and become the appanage of the finally greatest. In the brief sketches of the Ptolemies interspersed among the larger outlines of the *Greek Life and Thought*, Professor Mahaffy has already shown a predilection for this great family, and a tendency to tone down the dark colors of hostile criticism. He now subjects to more concentrated light the dynasty by itself, in the somewhat monotonous sequence of arithmetical succession, from Ptolemy I. to Ptolemy XVI. The attempt had not before been made, in its entirety, unless in encyclopedic monographs like that of Cless in the old Pauly. Here the material of the sources had been laboriously and ably compiled, but not fully weighed and sifted. Moreover, whatever fresh light can as yet be shed on the subject from excavations and explorations in Egypt, Professor Mahaffy is well able to control, both directly and indirectly, while as master of the secrets of the Egyptian *papyri* he is in position to make independent contributions.

He has really no predecessor in this particular field. Thirlwall's history closes with the destruction of Corinth. Droysen's monumental *Geschichte des Hellenismus* closes with the *Epigoni* at about the same time. Grote only glances at the careers of some of the *Diadochi*. Niese's able *Geschichte der griechischen und makedonischen Staaten*, of which only the first part has as yet appeared, does not pass beyond the *Diadochi*. From the fourth volume of Holm's brilliant *Griechische Geschichte* a brief history of the Ptolemies might be culled, as from Mahaffy's *Greek Life and Thought*, which appeared seven years earlier, but in both the distinctive outlines of the Egyptian dynasty are necessarily obscured by the larger careers of the more dominant and active powers. The attempt at separate and consecutive delineation was well worth the making, especially by one so well qualified to do it as Professor Mahaffy.

Now that he has made it, in a stately volume of 500 pages, one can hardly repress a feeling of disappointment, clearly felt by the author himself also, that the net gain to the subject is on the whole so small. This, however, is not the fault of the author. He has done all that can

now be done. He has sifted anew the old fragmentary testimonies, he has presented new points of view in various controverted questions, he has added all the information to be had from newly discovered *papyri*, and he has subjected formerly known Ptolemaic inscriptions to fresh inspection. He publishes in full, with helpful notes and suggestions, the decrees of Canopus and Memphis (the Sâh and Rosetta stones). To a grateful extent his book contains its own apparatus, and is not cumbered with useless references to inaccessible authors.

The book is thoroughly scientific in its careful estimate of sources. Neither Polybius with his dignity and weight, nor Plutarch with his grace and charm, are admitted to testimony without scrutiny of their natural bias. As specimen of new points of view in old controversies, the suggestion as to the assumption of the title of *Soter* by Ptolemy I. is worthy of note. "I therefore suggest that Pausanias was more nearly right than we have supposed, and that the title *Soter* may have been given at the time of the siege of Rhodes, not by the Rhodians, but by the Alexandrians to their king. They knew perfectly that he had risked but very little to help the island-city, and was now receiving extravagant thanks. They may have called him *Soter* satirically, owing to the great fuss made about a very lukewarm support" (p. 111). The new light obtained from the *papyri* is welcome but scanty. With hardly more than one exception it relates to the monotonous internal administration of a highly organized bureaucracy. The extent of the Ptolemaic nomes (p. 80), the fact that Ptolemaic law permitted imprisonment for debt (p. 149), the absorption by the dynasty of tax-imposts once ceded to the priests (p. 311), the legal business of the natives (p. 416) "pointing to the fact that law and order prevailed and that the rights of property were not disturbed," are deductions of average importance. Of wider range are the revelations as to the extension and irrigation of the lake province (pp. 172 f.). But almost no testimony regarding public affairs is given by *papyri*.

Dealing now with general impressions produced by the book, it may be noted that Ptolemy I. gains under the author's treatment, at the expense of his much more lauded son and grandson. More than the usual credit for the later glory and power of the Alexandrian Museum and Library is given to the sturdy old warrior and founder, and less than usual to Philadelphus. On the other hand, the achievements of the latter in internal administration gain in importance and extent, especially from the new evidence of the *papyri*. "There are indeed few kings, Hellenistic or other, who have left more enduring evidences of useful administration to posterity than the second Ptolemy" (p. 186). The third Ptolemy (Euergetes) remains the same enigmatical character as ever, in spite of all the author's fresh efforts. "Though we can thus give some details concerning a single isolated province in the reign of Euergetes, we are still left in darkness concerning the king himself" (p. 215).

In dealing with the long succession of Ptolemies from IV. to IX. inclusive, Professor Mahaffy succeeds admirably in preventing the dull uniformity

of badness and cruelty from obscuring all individual traits. In his treatment of the worst members of the line, — Ptolemy IV. and IX., — the author's efforts become distinctly apologetic. Certain passages in the book (pp. 147, 180) lead one to think that this apologetic tone has been taken in opposition to the merciless railleries of Holm. Holm can see no good even in the great Philadelphus. In Philopator (Ptol. IV.) and Physkon (Ptol. IX.) he sees the greatest monsters of depravity and incapacity. In their defence Mahaffy gently urges the evidence of the *papyri* to the regular internal economy of their kingdoms, and the evidence of the ruins to the fact that they were great temple-builders (pp. 272, 385 f.). It is true that the worse the Ptolemies became, the more temples they built. But it is one of the great fruits of Professor Mahaffy's present work that the reason for this apparent anomaly is now more clearly seen. As the Ptolemies withdrew from participation in imperial undertakings, and as their sway became more and more confined to Egypt proper, — a change which began with Philopator (Ptol. IV.) and culminated under Epiphanes (Ptol. V.), — there was less and less need of Hellenic mercenaries, less reliance to be placed on the Hellenistic capital Alexandria, and more and more need of native support. This was secured by standing bargains with the priesthood. Internal regularity of official machinery and great building activity simply denote the price which the monarchs paid the priesthood for being allowed to retain royal power. Under the first Ptolemies the revenues had been largely expended on imperial conquests, on Hellenic mercenaries, and Hellenic institutions of culture. The native population groaned under the burden, became restive, and at last revolted under the leadership of the priesthood. The weaker Ptolemies compromised with their subjects on the principle of Egyptian revenue for Egyptian religion. They abandoned much of their Hellenism, and became Egyptian, at least far enough to be allowed to receive and consume Egyptian revenue.

And yet it is well to remember, as Professor Mahaffy again and again reminds us, that the main literary sources for our knowledge of the Ptolemies are Greek, and partial to the Greek or Roman leaders with whom the Ptolemies came into contact. And it is doubtful whether any large material will ever be added to our literary sources for the history of the later members of this great family. They had no political history, only family intrigues for the retention of a dominion which had come to be managed as a family estate. They had long ceased to play for imperial power. They were content to collect and enjoy their revenues. They merely kept the machinery of taxation intact for their Roman heirs.

As the legitimate Ptolemaic line fades out amid family feuds and murders, and expires with Ptolemy XII., while the great Roman power is only waiting the proper time for openly appropriating the riches it had long secretly enjoyed, the apologist can single out only one figure — that of Lathyrus (Ptol. X.) — for scanty praise. "He is one of the series whom we should willingly know better, and whose virtues should be insisted

upon in the face of those who brand the whole dynasty as steeped in vice and crime" (p. 424). Then comes the bastard Auletes (Ptol. XIII.), "the most idle and worthless of the Ptolemies," Rome's puppet; and after him the Cleopatra of Cæsar and Antony, in whom flashed up once more the native vigor and ability of the line, even to the extent of planning an Oriental empire which should cope with Rome. For her, too, Mahaffy would fain say the best that can be said, and better than has yet been said. Here, too, and with right, he insists anew upon the fact that Cleopatra VI. is known to us only from sources inimical to her. Here, too, with less force, he reminds us that she was a great temple-builder. She, too, left treasures untold, and perfect machinery for amassing more. Even Augustus, when he had taken her property as his own, found no "abuses to rectify, or antiquated arrangements to annul."

Perhaps the closing sentence will illustrate better than further comment the general tendency, and, in the main, the successful achievement of the book: "Thus it may be that the recorded vices of the Ptolemies have so obscured their better qualities as to produce a picture permanently darkened, and which we can hardly hope to clear of its ugly shadows. But the achievements of that dynasty cannot be set aside. They were the ablest, the most successful, and therefore the most enduring of all the successors of Alexander."

In their estimate of the first Ptolemy, historians, even the most censorious, have been substantially of one mind. His figure, in consequence of Professor Mahaffy's fresh contributions, towers more imposing than ever at the head of his long line, unsurpassed, unmatched. The reader gladly turns from the last of the line to the first, and realizes anew the transcendent ability that could found in a conquered land a royal line to endure, in spite of its degeneracies, for two centuries.

B. PERPIN.

Ueber die *Leges Edwardi Confessoris*. Von F. LIEBERMANN. (Halle: Niemeyer. 1896. Pp. vii, 139.)

DR. LIEBERMANN'S masterly monographs on the various law-books of the Anglo-Norman period follow each other in rapid succession. The *Consiliatio Cnuti*, the *Instituta Cnuti*, the *Quadripartitus*, the *Leges Anglorum*, *Pseudo-Cnuts Constitutiones de Foresta*, and the *Leges Edwardi Confessoris* are all models of critical historical research. Dr. Liebermann is gradually restoring to us the legal literature of the twelfth century; to use Professor Maitland's apt citation, "lagam Edwardi nobis reddit."

Of the seven law-books which have come down to us from the century following the Norman Conquest, the so-called *Leges Edwardi Confessoris* ranks in importance next to the *Leges Henrici Primi*. The work was compiled about the year 1130. Like most of the law-books of Henry I.'s time, it was written by a foreigner, by some one not well acquainted with the English language. His Latin has a Gallic tinge. Probably he was an

ecclesiastic who migrated to England from Normandy or North France. The writer's aim was to give an account of those parts of the English constitution which had survived from the Anglo-Saxon period ; for, as Dr. Liebermann points out, in the twelfth century "leges" often meant "law and constitution." The treatise before us contains many observations on the origin and development of English institutions, but some of these observations are based on insufficient knowledge. Dr. Liebermann carefully tests the accuracy of all these statements regarding the history of institutions, and this part of his work is of great value. He really examines all the more important features of the constitutional and legal development of England in the eleventh and twelfth centuries. Separate chapters are devoted to the church, royalty, classes of society, territorial districts, courts of law, and criminal procedure ; and much light is thrown upon these subjects.

It would require much space to indicate all the interesting points presented within the limits of this brief monograph. The one which will perhaps attract most attention is Dr. Liebermann's theory regarding the origin of the frank-pledge system (pp. 78-81, 113). He believes that *freoborg* was the Anglo-Saxon name of this institution ; that the word meant originally not peace-pledge but free-pledge, the suretyship of freemen ; that the suretyship group or tithing originated in the latter part of the Anglo-Saxon period, and was based upon the obligation of the *mægth* to act as pledges for kinsmen ; and that the responsibility of the hundred for murder was probably established by William the Conqueror in imitation of the frank-pledge system. Dr. Liebermann's views on this subject are worthy of careful consideration, but his arguments do not seem to be convincing. It appears more reasonable to suppose that the responsibility of the tithing, the hundred, and the neighboring townships was definitely organized by the strong hand of William the Conqueror, though doubtless crude germs of all these artificial arrangements may be found in the Anglo-Saxon period.

CHARLES GROSS.

The Constitutional History and Constitution of the Church of England. Translated from the German of FELIX MAKOWER, Barrister, of Berlin. (New York: Macmillan and Co. 1895. Pp. x, 545.)

THIS is another addition to the debt of obligation which England owes to foreigners for their investigation and study of her early history and records. Makower is the first, however, we believe, to give special attention to ecclesiastical history, though the names of Schmid, Gneist, Riess, Liebermann, Vinogradoff, Bigelow, and Gross are well known for their valuable work in the study of constitutional development. The importance of the Church and of its constitutional history, in England, and its close connection with the general constitutional development of the

realm, are, or ought to be, sufficiently apparent, but have not always been clearly recognized and distinctly stated. It is, however, an important fact that the organization and unity of the Church antedated by a century and a half the unity of political organization, with which it maintained the closest connection; and though again and again the political unity was threatened, and even actually broken, during the Anglo-Saxon period, the unity and organization of the Church, under the archbishopric of Canterbury, remained firm and unshaken. Though its connection with the state was not so close from the time of the Conquest down to the Reformation, its influence is very great in that period, and even greater during the reigns of the Tudors and of the Stuarts. It is rarely realized to what extent Henry VIII. and Elizabeth owed to the Church the power and exercise of their high prerogative. Even to-day the existence of an established Church, whose chief officers owe their position to government appointment, and who occupy seats in the House of Lords, gives to ecclesiastical affairs a large, if not undue, place among affairs of state and of politics. In the case of individuals in the Church, this importance is intensified rather than diminished. Not only all through the Middle Ages did ecclesiastics hold the highest positions in government, but special instances of exceptional influence and importance may be noted. Dunstan, in the reign of Edgar; Lanfranc, under William; Roger of Salisbury, under Henry I.; Becket and Glanvil, under Henry II.; Hugh of Lincoln, under Richard I.; Hubert Walter and Stephen Langton, under John; Wolsey and Cranmer, under Henry VIII.; and Laud, under Charles I., are only a few who have made the influence of the Church effective in the development of the political constitution.

The book before us treats mainly of the ecclesiastical side, however, without dwelling at great length on these connections and influences. It enters at once into the subject without preface or introduction. The table of contents, furnishing a clear and concise analysis, shows a division into five parts, which are entitled: History of the Constitution of the Church; Sources of Ecclesiastical Law; Relations of the Church of England to other Christian Churches; The Clergy and their Orders; The Several Authorities in the Church.

The first part gives a fairly good summary of the history, divided, by the Conquest and by the Reformation, into three distinct periods, and includes a consideration of Scotland, Ireland, the Colonies, and the United States. The second part treats of the general sources of the Law, including the Prayer Book and Articles. The third part considers the relation of the reformed Church of England to the pre-reformation Church, and to other modern churches, and the procedure against heretics. The fourth part considers the clergy in general, — bishops, priests, and deacons, — their participation in parliament, and the history of celibacy. The fifth part treats of the King, and the various other civil authorities since the Reformation; of the archbishops and bishops, and their representatives and assistants; of the chapters, churchwardens, societies, minor officers, synods,

and courts. At the end of the book is an appendix, containing some fifteen of the most important documents, printed in full or in part; a general view of the literature of the subject, carefully arranged and classified; and a chronological table of the kings, with day of beginning and of ending of the reign of each. A good index also is given.

The work is almost altogether a study from the sources, and the very full and numerous quotations therefrom, given in extensive notes, and often occupying nearly the whole page, add greatly to the value of a scholarly, straightforward, and judicious presentation of the subject, remarkably accurate in details. The first and fifth parts are the largest and most important, although the third is very interesting and is calculated to excite the most discussion, largely on sentimental grounds. Altogether the work forms a substantial and somewhat bulky octavo of over five hundred pages, and if it had been published in a form worthy of it would be much more serviceable. But the type is of a peculiar and very trying form, the notes being almost entirely in italics, the margins are exceedingly narrow, and, though the covers are of strong cloth, the book is so loosely put together that it loses its shape before a first reading is concluded.

The historical treatment in the first part serves by way of general introduction, is well done, brings out the important points, and notes clearly their bearings and relations. Frequent cross-references here, and throughout the work, serve to connect the various parts together, but it would have been less confusing if the whole topic, in each instance, could have been treated fully and completely, in one place, under one head.

In the third part, entitled, *Relations of the Church of England to other Christian Churches*, the author touches upon one of the most important and most controverted topics connected with the whole constitutional history of the Church. He first considers the relation of the reformed Church to the Church before the Reformation. It is frequently maintained that there was an uninterrupted connection with the past, and that no material difference exists. In opposition to this, our author declares: first, that "according to constitutional law before the Reformation the state was not entitled to issue ordinances upon purely ecclesiastical matters, the exclusive right of the Church not being contested." Furthermore, "the power of the pope to govern and make rules had been recognized for centuries by decisive acts of the state, and though England had in 1366 shaken off the yoke of the universal temporal monarchy with respect to spiritual affairs she had still remained subject to the universal domination of Rome." The change made by the renouncing all papal authority is compared to "the declaration by a federal state that it would no longer obey the ordinances of the central power." "A whole series of smaller breaches of contract" may be pointed out. Attention also is called to the fact that while under Henry VIII. and Edward VI. the government took pains to provide for assent by Convocation, "in Elizabeth's reign, the revival of the most important reforming laws, and especially the introduction once more of the royal supremacy and of the reformed prayer-book, took place by the sole act

of the civil powers, Convocation being either not consulted or expressly hostile to the measures adopted." A further alteration of the constitution of the Church was involved in "the abolition of papal authority in England and in the transference of the rights of government to the English sovereign." "For the peculiarity of the Romish Church lay in the existence of a central power outside the various nations, a power which claimed to stand above them. Now the Reformation in eradicating this element and declaring all ecclesiastical interference from without to be inadmissible, must be regarded as having produced a fundamental change in the constitution of the Church." These are strong arguments clearly and forcibly put, but they hardly justify the author in speaking of "this untenable doctrine of continuous development." It may be said that the changes mentioned in the first argument are not necessarily enough to destroy the identity of the Church even if constitutionally forced upon it. In answer to the second, the casting off of the papal authority did not change the constitution of the Church so as to destroy its identity any more than did the taking on of that authority. The discussion is largely a dispute as to the meaning of terms, and identity of organism is difficult to define; but it may fairly be maintained that in view of the slow and conservative character of the English Reformation, the preservation of that episcopal government which antedated the papacy, and the continuance of the rights of property without a break, the English Church did retain enough to insure its continuity and identity, whatever, and however great, the changes which were introduced.

In considering the relation of the reformed Church of England to other churches, emphasis is very rightly laid on Article 34, acknowledging the existence and rights of other national churches. This article implies two things: first, that each nation has a right to the management of its own religious and ecclesiastical affairs, and, secondly, that there should be religious and ecclesiastical unity within each nation. Unfortunately, the English Church has been unable to realize either of these views. Neither has she unity within her own nation, nor does she acknowledge the national churches of other nations. The tendency at present is to recognize only such churches as have episcopal constitutions, and continuity by succession. "By this distinction," it is rightly and forcibly said, "a certain outward form of the Church is pronounced essential, whilst what is of main import, its doctrine, is left unregarded. . . . Though the episcopal is the recognized constitution of the Church of England, it cannot even be conceded that that constitution is regarded in the fundamental formularies of the English Church as the essential one of every Christian Church." "In the introduction to the form of ordination . . . it is not contended there that the Bible prescribes an episcopal constitution. Nor does the profession of belief known as the thirty-nine articles contain the doctrine of the divine institution of Episcopacy." This is strictly true, and in accordance with the conclusions of Hooker, who declared distinctly, in his argument against the Puritans, that any form of church government

is not of immutable and divine right. Attention is very properly called to the fact that "during the reign of Elizabeth and of James I., the clergy of non-episcopal churches outside England were, in the opinion of the day, accounted regularly ordained priests." "In Elizabeth's days, clergy officiated in the Church of England who had not been ordained by bishops." "However, the act of uniformity of Charles II. . . . forbids, within the established Church of England, any person to be admitted to a benefice who has not received ordination from a bishop. That is still the law of the land."

Another interesting topic, with the consideration of which we must close this review, is found on pages 394 f., and relates to the participation of ecclesiastical persons in the temporal courts. Our author here follows the lead of Stubbs and others, in declaring that after the Conquest "the old hundred-moots fell into decay. The judicial powers of the shire-moots were lost by degrees,—except in minor cases,—to the royal courts. Except in so far as jurisdiction passed to the King's supreme court, for the old meetings of the shire court were substituted the assizes held in the shire by itinerant judges sent there from the court. These assizes became more and more general from Henry II.'s time onward." This is the usual view of these courts but is not presented by Stubbs or by Bigelow except with many questionings and qualifications, and it is difficult to see how it can be harmonized with the facts that while Henry I. ordered the courts to be held as they had been in the time of Edward the Confessor, the hundred court every four weeks, and the shire court twice a year, by the time of Henry III. (probably in the reign of Henry II., when the sheriff's tourn seems to have been instituted) they had come to be held much oftener, the hundred court every two or three weeks, and the shire court every month. This greater frequency surely seems to imply greater importance and a larger amount of business. Whatever may be said in regard to the regularity and importance of the assizes of the justices itinerant, a close examination of the Assize Rolls, in the Record Office at London, for the reign of Henry III., the first which are at all complete, has failed to show that they were held in any county oftener than once in four years, more generally once in seven; and sometimes a period of from twelve to fourteen years apparently elapsed between them. The fact is, as I hope to show in another place, that a careful study of the functions and procedure of these local courts furnishes evidence of their increased importance in the practical settlement of many cases, and in the preliminary hearing and preparation of others for the final settlement by the itinerant justices.

In the Anglo-Saxon period the bishop was one of the presiding officers of the shire, and possibly also of the hundred court, and the earlier notices of the suitors from the vills name the priest, together with the reeve and four best men, but by William's ordinance of separation the bishop was forbidden to hold pleas in the hundred, and the priest disappears by the close of the twelfth century.

In regard to the trial of ecclesiastical persons, "it was recognized for the first time in Stephen's charter of 1136, that spiritual persons, including inferior clerks, should be amenable only to ecclesiastical courts." These concessions Henry II. refused to ratify, and desired to go back to the earlier customs of Henry I. and William. Hence the struggle with Becket over the Constitutions of Clarendon. Out of this privilege arose 'benefit of clergy,' extended to all persons who could read, and then, under James I., given to women, when it came to mean a mere mitigation of punishment (usually the death penalty) in certain cases called 'clergyable offences.'

The work concludes with a valuable presentation of the condition of the Church at the present time, showing how the ecclesiastical courts have gradually, in the present century, lost most of their competence in civil cases until it has been finally abolished in regard to all important matters. The present courts with their names and functions are briefly but accurately described.

CHARLES L. WELLS.

History of England under Henry the Fourth. By JAMES HAMILTON WYLIE, M.A. Vol. III., 1407-1410. (London and New York: Longmans, Green and Co. 1896. Pp. xi, 482.)

MR. WYLIE'S work has grown under his hand in a way with which we can all sympathize, even though we may demur. When the first volume was published, it was announced as one of two volumes; the second, when it appeared, was prefaced by the statement that a third would be necessary; and now in the third we have the same announcement for an additional fourth volume. This third instalment covers the years from 1407 to 1410, inclusive, recounting the progress of the great Schism, of the war between England and France, and of the Lollard agitation; the actions of the king, the council, and parliament during these years; with special chapters on the gilds, and the Hussite quarrels at Prague. More than in either of the preceding volumes is one impressed with the fact that the length of the work is somewhat disproportionate to the importance of its subject; and yet it is by no means immediately apparent how this is so. Few, if any, of the usual evidences of "padding" are visible. The matter of which the book is composed is solid information; it is drawn from original sources; it is to a great extent new. Moreover, the work has excellences that are even more unusual than these. It is broad in its interests. Matters of state and matters of church, events in the political and military, in the economic and social world, are given in great detail. Again, in contrast with most English histories written by Englishmen, it is quite free from insular narrowness. The affairs of the Continent are described wherever they touch the interests of England, and are discussed for their own sake as well as for the sake of that connection. Especially in this third volume, the great Schism and the attempts to close it, the intrigues of the French political parties headed by the dukes of Burgundy and Orleans,

and the Bohemian religious struggles are given an attention almost disproportionate to that bestowed on more purely English affairs. Of the latter it is hard to pick out any special subjects as those on which Mr. Wylie has given the most light. Perhaps the account of archbishop Arundel's efforts to crush out the recrudescence of Lollardism of Oxford, and the description of the gilds are of the most considerable originality and significance. His method gives an impression rather of fulness of detail than of added clearness.

In fact, it is just here that we are most inclined to criticise the work adversely. It is rather a cyclopædia of historic facts, names, and dates, during the period from 1399 to 1410, than a real history of that period. In the first place, history should involve a selection of facts, not an inclusion of all possible facts. For instance, in one paragraph, on pages 317 and 318, seventeen names are casually mentioned as places where the king stayed successively between April 3, 1410, and the end of the year; the naming of each of these places necessitating separate and frequently multiple references, mostly to the patent and close rolls. Again, a description of the bitter weather during the campaign of Bramham Moor leads to more than two pages of references to the similar severity of the weather in ten or twelve different countries of Europe. This fondness for purely antiquarian lore shows itself especially in the footnotes. Over and over again we have masses of genealogical detail about obscure individuals, references to a dozen different ways of spelling unimportant proper names, lists of brasses in churches where a certain type of ladies' head-dress can be seen, quotations from contemporary writers mentioning peculiar musical instruments, or garments, or stuffs, or weapons, or foods. It is this that accounts largely for the overgrown footnotes, which fill on the average through the volume nearly, if not quite, one-half of each page. The books and documents referred to are not unworthy sources. They are in almost all cases contemporary and reasonably trustworthy; but the thousand and one details to which these references are given are, relatively speaking, insignificant and inapposite, so that their inclusion leads not to a clearer and stronger impression, but to turgidity and an appearance of pedantry. A serious author is bound to make it possible for a student to follow the road he has gone among his authorities; he is not bound, indeed he is bound not to record every step of his way, nor to reproduce all the contents of his note-books.

Secondly, the main stream of an historical narrative ought certainly to flow in refined literary language. Mr. Wylie has made this impossible for himself by his habit of constant quotation of single words or expressions, used, it is true, at the time or in the documents from which he is drawing, but neither understood, admired, nor acknowledged in modern English. For instance, in his discussion of the religious gilds he says: "They were in fact the average work-a-day Englishman's answer to profanity and sacrilege, and for every impious misbeliever who ate the consecrated bread with onions and oysters for supper, or cropped off the nose of a Blessed Virgin

in a church, or hacked up an old St. Catherine for fuel to seethe his worts, thousands of honest souls, not especially devout or pious, joined the gilds in practical protest against the misty and unsavoury cobwebs of the Wycliffists and Lollers." "The brethren did not put in their weekly shot merely to dole groats to pittancers, or help the bedrid and brokelegged, or find poor scholars to school, or dower poor girls, or burn their soul-candles around the corpse of a dead brother, or follow at his forthbringing and 'terment." Or when he describes Oxford: "So Solomon studied with his cup and his strumpets, and romped with hawks and hounds and revel; and Oxford, which had shown such promise in her youth, was now sinking into idleness and womb-joy, and doddering in a dishonoured dotage of stagnation and decay." Mere contemporary slang or peculiarity of expression adds nothing to our knowledge of the period. There is no excuse for obscuring the narrative and overburdening the footnotes with mere philological variation or oddity.

The third criticism we have to make, the lack of continuity of the narrative, flows directly from the first two. It is impossible, with the mass of detail in text and reference, much of it archæological rather than historical, and with the constant sacrifice of normal form to unusual expressions, to obtain a narrative the parts of which fall together in the reader's mind so as to make a completed whole. The impression, as has been said before, is rather that of an encyclopædia than of history. And these characteristics have shown a progressive increase throughout the work, as will be found, for instance, by comparing the account of the Lollard movement in the first volume with the continued discussion of the same subject in the third.

It is true that all these objections are to the form rather than to the substance of the book. Yet they are none the less legitimate. The problem is why this history of an important and hitherto insufficiently known period, written with learning, with critical ability, and with a full use of all available sources, is yet practically unreadable. The solution is to be found in the characteristics mentioned above. The reader has a right to be provided with the results of the historian's study in such a form that they can be read continuously and calmly, with a ready appreciation of the course of events and the influence of institutions. It is respectfully submitted that our usual human limitations make this impossible in the book under review. It is, however, a most useful storehouse of facts which will be made more available when the index is published in the next volume.

A protest might fairly be entered against the price which the publishers ask for the work. From \$3.50 to \$5.00 per volume, the volume being a moderate-sized duodecimo, without illustrations, extra quality of paper or binding, or other source of unusual expense, seems to be a charge so unreasonable and so far beyond the usual prices of books on history as almost to make an American scholar waver in his loyalty to international copyright.

EDWARD P. CHEYNEY.

John Cabot, the Discoverer of North America, and Sebastian his Son. A Chapter of the Maritime History of England under the Tudors, 1496-1557. By HENRY HARRISSE. (London: B. F. Stevens. 1896. Pp. xi, 503.)

THOUGH M. Harrisse published, some years ago, a large volume, in French, on the Cabots, this new work is really a *new* one rather than a second edition. In fact, the author produces so many documents, unknown before, that we may say without exaggeration that the events relating to the Cabots' expeditions are now first elucidated.

Many historians have written on the same subject, specially since the year 1843, when the famous Cabot's planisphere was discovered. Some believed that this important document would bring a great increase of geographical knowledge; but it is now generally admitted that this has not been the case, as this chart was so imperfectly executed. Nevertheless, it has raised up a new question, interesting for Americans, and specially Canadians: "Did John Cabot make land on the northeastern coast of Cape Breton in 1497?" M. Harrisse deals at length with this question, and he leaves no issue to those who argue that the landfall was here.

The following analysis of M. Harrisse's work will render justice to the author and to his heroes. John Cabot, the discoverer of the American continent, was not a Venetian by birth, as some writers say, but a Genoese. In fact, he had been naturalized as a Venetian, in consequence of a residence of fifteen years, by a unanimous vote of the Senate of Venice, on the 28th of March, 1476. Some writers presume that he was born at Castiglione, in Liguria, others say Chioggia, one of the lagoon islands, but these two assertions are based upon documents of no value. Dr. Puebla, the ambassador of Ferdinand and Isabella to England, also Pedro de Ayala, Puebla's adjunct in the embassy, write that Cabot was a Genoese by birth.

John Cabot was married to a Venetian woman, who followed him to England, and we find it recorded that on the 27th of August, 1497, she was living at Bristol, England, with her children, Lewis, Sebastian, and Sanctus. At that time they were apparently all of age, Sebastian having attained at least the age of twenty-three. Sebastian, therefore, was born in 1474. According to certain English biographers, Sebastian Cabot's native place was in England; this statement carries but little weight, as it seems pretty sure that he was born in Venice. When his father obtained Venetian nationality, in 1476, as already stated, in consequence of a constant residence of fifteen years in Venice, Sebastian must have then been not less than two years old. Many authors say that he was a Venetian, specially Ramusio, Andrea Navagero, Contarini, Oviedo, Peter Martyr, etc.

We are inclined to believe that John Cabot removed from Venice to England in 1490, and previously he visited Portugal and Spain to obtain royal aid to undertake transatlantic discoveries, and also visited Mecca, where he met caravans bringing spice from afar; believing in the sphericity

of the earth, he inferred from their reply that it came originally from the West, whence his project of finding a maritime and shorter route to Cathay.

In the year 1496, Cabot obtained letters-patent from Henry VII. for a voyage of discovery westward. He left Bristol in the beginning of May, 1497, on a small ship called the *Matthew*, manned by eighteen men. When the vessel had reached the west coast of Ireland, it sailed towards the north, then to the west for seven hundred leagues, and reached the mainland. He then sailed along the coast three hundred leagues. Returning to Bristol, Cabot saw two islands to starboard. This is the summary of his first voyage.

Some doubts exist about the date and the place of Cabot's landfall. As to the year, though we find on Sebastian Cabot's planisphere an inscription which sets forth the year 1494, it is generally admitted that it was in 1497. The date, July 24, which appears on the said map, ought to be rejected likewise, as being impossible.

As to Cabot's landfall, we can only presume, but with great probability, that it was on some point of the northeast coast of Labrador. No graphic data on the subject are to be found until forty-seven years after the event (1544), and it is again in the Cabotian planisphere, where, on the extremity of a large peninsula, which we now call Cape Breton Island, we read these words: *Prima tierra vista* — the first land seen. This alleged landfall is not less than five degrees farther south than the landfall must have been in reality. All the cosmographers and chart-makers of Charles V., though supplied directly by Sebastian Cabot in his quality of Pilot-Major, supervisor of the Chair of Cosmography in the *Casa de Contratacion*, and member of the Commission of pilots and geographers, located the first transatlantic discoveries accomplished under the British flag along the region then called Labrador.

The delineations of the Gulf of St. Lawrence and the adjoining country depicted in the Cabotian planisphere, have no other origin than the French maps which were constructed in Dieppe after the second or third voyage of Jacques Cartier, and especially the map of Nicolas Desliens (1541). It follows from this last assertion that all the configurations of the islands in the Gulf of St. Lawrence near or about Cape Breton, Nova Scotia, and New Brunswick, in Sebastian's planisphere, have and can have no other origin than the cartographical data collected by Jacques Cartier or his pilots. It also follows that Cabot's "Isla de S. Juan," which he claims to have discovered on the 24th of June, 1494 (1497), is only one of the small islands of a group first found and depicted by the French navigator, and named by him "the Isles of sand," the configurations of which Cabot has borrowed wholly from the Cartierian prototype used by Nicolas Desliens for his map of 1541.

The conclusion to be drawn from our analysis is that Sebastian Cabot's statements as regards the first landfall on the continent of North America, are in absolute contradiction to the legends and delineations of the plani-

sphere of 1544, and that these, in their turn, are based entirely on the discoveries made by Jacques Cartier in 1534 and 1536, and not at all on Cabot's. If in connection with these facts, we recollect that for forty-four years previous to the making of his planisphere, all the maps locate the first English discoveries ten degrees farther north; and that disinterested witnesses testify to having heard Cabot declare that he sailed westward without alluding to a change southward, we feel constrained to place his *prima tierra vista*, in 1497, beyond $51^{\circ} 15'$ north latitude.

What then could be Sebastian's object in placing at the southern entrance of the Gulf of St. Lawrence a landfall which for so many years previous had rightly figured in all charts and portolani, as on the north-eastern coast of Labrador? Was it his personal interest to do so, and have we any reason to consider him as capable of making wilfully untruthful statements? These grave questions require the critic to examine the real character of Sebastian Cabot.

Cabot was a man capable of disguising the truth, whenever it was to his interest to do so. In some accounts given personally of the first voyage which was undertaken by his father, Sebastian Cabot sometimes makes no mention whatever of his father, or he says that his father was only a sort of itinerant merchant, who had come to England solely to sell his goods. We remark that in many instances he contradicts himself and makes erroneous statements and anachronisms.

After his return to Bristol early in August, 1497, John Cabot applied for new letters-patent, which were granted on the 3d of February, 1498. There is no ground for the assertion that John Cabot did not command this second expedition. Pasqualigo and Soncino specify him and no one else, as the person to whom Henry VII. intended to entrust the fleet. Cabot sailed after April 1, 1498. Where and how far did he go? In the chart of Juan de la Cosa drawn in the year 1500, we find the approximative result of his explorations, as far as a region south of the Carolinas. The pretended third transatlantic voyage of Sebastian Cabot under the British flag is only an inference drawn exclusively, and gratuitously, from a remark reported by Stow, who relates that during 1498 Sebastian brought three savages to England. But this testimony is contradicted by documents.

There is no further mention of Sebastian Cabot in any document until ten years after his alleged third transatlantic expedition. It is impossible to find any allusion to voyages undertaken during that time, except a pretended expedition to Brazil, in 1504, but of which there are no traces. He left England after the death of Henry VII. (1509), and came to Spain, where, placing himself at the disposition of King Ferdinand, he gave information on the subject of Bacalaos, or Codfish Country. On October 20, 1512, he was appointed naval captain, and established his residence at Seville. On November 13, 1515, we see Cabot among cosmographers called to ascertain whether the line of demarcation between Spain and Portugal should pass by Cape St. Augustine. In 1518, he was appointed Pilot-Major in the place of Juan Dias de Solis, who had been killed by the

Indians in the Rio de la Plata. The possibility of Cabot having joined an English expedition between 1516 and 1517, at first sight not inadmissible, disappears before the study of the first Atlantic navigations. This voyage of Cabot is a pure hypothesis.

Cabot was in Spain during the years 1522, 1523, and 1524. In 1522, he was intriguing with the Venetian Republic for the purpose of revealing a secret on which depended the future greatness of the Republic. But the project was relinquished, owing probably to a refusal on the part of Spain to grant the necessary leave. About the year 1524, Cabot was appointed leader of an expedition to the Moluccas. Meanwhile he was confirmed in the post of Pilot-Major of Spain. The expedition sailed on the 3d of April, 1526, "to the discovery of the islands of Tharsis, Ophir, and Eastern Cathay," by way of the Strait of Magellan. The landfall on the American continent was effected at the end of June, and somewhat to the north of Pernambuco, where the fleet was detained till the last week of September. Going south, Cabot explored the South American continent till he entered the estuary of the Rio de la Plata, then called Rio de Solis. Cabot seems to have spent the winter of 1528-29 at the fort of San Salvador. In the spring, he went to Sancti Spiritus, and thence to San Salvador. Finally he set sail, homeward bound, early in November, 1529.

Cabot was not a professional mariner. Peter Martyr, his countryman, remarks that there were Spaniards who denied that he had ever discovered Newfoundland or even visited those regions. Oviedo considered him as not possessing an adequate knowledge of the regions to which he undertook to lead ships and men, and, in going to the Moluccas, to have assumed a task for which he was not fitted. His contemporaries saw in him only a theorist, but versed in cosmography and cartography. Men of experience and social position placed no confidence in Cabot, whose science they doubted, or cared little for, and who, in their eyes, was evidently nothing but a foreign adventurer, elevated above them merely through intrigues, vain boasts, and fallacious promises.

Immediately upon landing at Seville, he was arrested and sentenced to four years' banishment, the Crown having charged him with having disobeyed the instructions given to him when he set out from Spain to go to the Molucca Islands. After the return of Charles V. to Spain, Cabot resumed his ancient office of Pilot-Major, and constructed a number of planispheres and globes. Cabot enjoyed a high reputation as a man versed in navigation and cosmography. He published several maps and planispheres, which are lost, except the planisphere dated 1544, which must rank as the most imperfect of all the Spanish maps of the sixteenth century which have reached us; it contains the grossest cartographical and geographical errors.

In our opinion, Cabot owed his great reputation, as a scientist, to a supposed profound knowledge of the mariner's compass. Many writers even ascribe to him the discovery of both the declination and the variation of the magnetic needle. In fact, Cabot discovered neither, nor indeed

anything useful or practical relative to the same, his own boasts to that effect notwithstanding. He occupied himself with the problem of finding the longitude at sea, and he boldly asserted that he had discovered its solution, not only by means of the variation of the magnetic needle, but also by the declination of the sun, but both methods are useless and erroneous. The same idea must be entertained of his nautical theories and sailing directions.

In the year 1548, Cabot left Spain, "to serve and inhabit in England," where "he would seem to have exercised a general supervision over the maritime concerns of the country." Being brought in contact with the Merchant Adventurers, Cabot suggested to them the route to Cathay by the northeast, and in the year 1553 an expedition was directed to Cathay, which was unsuccessful. Cabot retired from public life in the winter of 1556-57. London is doubtless the place where he died; but the year of his death is yet unknown. Diligent researches have been instituted in Worcester (where the early Bristol Registers are preserved) and in London, to discover his last will, but in vain, thus far.

Cabot was married to a Spanish girl called Catalina Medrano, who was still living in 1533. When yet living in England, Cabot had a daughter, probably by a first marriage with an Englishwoman. As to his brothers, Sanctus and Lewis, no traces are found of either of them after the year 1497, when they were living at Bristol with their mother. Some families from Normandy and Languedoc claim kinship to Sebastian Cabot. The Cabots de la Fare, in the south of France, set forth, in 1829, their genealogical pretensions before the courts. They strove to establish that Peter Cabot was son of Lewis, son of John, the navigator. Peter Cabot lived in Saint-Paul-la-Coste, and he said in his testament that his descent from John Cabot is duly established. But the aforesaid testament does not exist.

N.-E. DIONNE.

The Growth of British Policy, An Historical Essay. By Sir J. R. SEELEY, Litt. D., K.C.M.G., formerly Regius Professor of Modern History in the University of Cambridge. (New York: Macmillan and Co. 1895. Two vols., pp. xxiv, 436, 403.)

The History of the Foreign Policy of Great Britain. By MONTAGU BURROWS, Chichele Professor of Modern History in the University of Oxford. (New York: G. P. Putnam's Sons. 1895. Pp. xiv, 372.)

WHAT is Seeley's place among English historians? Is he destined to rank at all among the historical scholars of his generation? Or will he be considered in the future as a brilliant writer and accomplished man of letters whom Fate placed in the chair of history at the University of Cambridge, and who was thus induced to devote his attention to the composition of volumes of history? These are questions naturally suggested by

the posthumous publication of Sir John Seeley's *The Growth of British Policy*. In a few modest pages, Professor G. W. Prothero, of Edinburgh, the recognized representative of scientific historical work at Cambridge for many years, has sketched the uneventful life of Seeley in a memoir prefixed to the work on which he spent the last years of his life. It shows clearly that Seeley had no overpowering attraction for the study of history; his first book was a volume of poems; his first professorship was the chair of Latin at University College, London; and his reputation was made by the publication of *Ecce Homo*, a study of the human side of the life of Christ. When he was appointed to succeed Charles Kingsley as Professor of Modern History at Cambridge, his previous training no more fitted him for the place than his predecessor's historical novels had justified his appointment. He was not a pupil of the great German teachers of history and editors of historical documents, who laid down the canons of historical research and founded the scientific study of history. He professed no sympathy with the patient workers who were investigating the primary authorities, and endeavored to show their pupils how history should be studied and written. The whole bent of his mind was opposed to documentary study. His conception of history was entirely different to that of the scientific school, and Professor Prothero has accurately and clearly pointed out Seeley's views as a teacher and a writer. "Though he did not coin the phrase 'History is past politics, and politics present history,'" says Professor Prothero, "it is perhaps more strictly applicable to his view of history than to that of its author. 'The indispensable thing,' he said, 'for a politician is a knowledge of political economy and of history.' And again, 'Our University must be a great seminary of politicians.' History was, for him, not the history of religion, of art, or society; still less was it a series of biographies; it was the history of the State. The statesman was to be taught his business by studying political history, not with a view to extracting arguments in favor of particular political theories, but in order to understand, by the comparative and historical method, political science, the science of the State" (pp. xii, xiii).

Since such was his attitude, and since his books prove it to have been characteristic and permanent, no surprise need be felt at the indignant denial of Seeley's right to be considered a scientific historian, frequently put forth by adherents of the modern documentary school of writers and teachers. Yet it is necessary to protest against the narrow view that would exclude from the ranks of historians all but the investigators, editors, and critical students of primary authorities. Such an exclusion would bar out the great names of the past like Thucydides and Tacitus, as well as brilliant writers after the manner of Seeley. It may be, and it is, right to deny to them a position among scientific historians, but it would be a disaster for the cause of historical study to reject entirely their claims. *Quot homines, tot sententiae* is a true maxim with regard to history; there may be many ways of endeavoring to arrive at the truth about the past; some ways are typical of certain centuries and certain individuals, but as long as the

intention of the writer and worker is honest, it is unjust for the adherents of any particular school to apply their canons too rigorously, and to arrogate to themselves the right to condemn historians whose methods happen to differ from their own.

Sir John Seeley's last book well illustrates his methods, and will doubtless give opportunity for passing censure upon them. Throughout the two closely printed volumes hardly a single reference is given to authorities. Though dealing with a period bristling with historical controversies, the narrative flows smoothly on with an occasional footnote once in a hundred pages or so, mentioning an obscure magazine article or the place where a document may be found. Occasionally, indeed, secondary historians of note like Gardiner and Philippson are quoted, but, as a rule, statements are made without the slightest attempt to prove their accuracy. It is curious in this respect to compare Seeley's volumes with the works of any standard modern French or German writer, or with such an English writer as Mr. J. H. Wylie, whose third volume on the reign of Henry IV. has just appeared, in which references to authorities often fill half the printed page. And again in its literary style Seeley's last work offends the eye of the strictly scientific writer; for he delights in the use of striking and novel epithets and phrases, which are more apt to convey a false impression or a half truth than is the use of sober language. And lastly evidence is given throughout the book of a desire to lay disproportionate weight upon certain views of the writer; whole pages and whole chapters are written around certain picturesque formulae which are thus brought out into such prominence as to vitiate the value of the book as history. To some extent Sir John Seeley disarms the severe critic by entitling his book not a history but an historical essay. "By calling it not a history but an essay," he says, "I mean first that it deals not in narrative but in discussion, secondly that it does not aim at completeness" (p. 3). The pity is that only too many untrained readers, relying on Seeley's position as a Professor of History, will regard his statements as proved and authentic, and will refer to his essay as to an authoritative source of knowledge instead of looking upon it as a brilliant contribution to the discussion of certain historical questions.

"The subject of this book," Sir John Seeley states at the beginning of his introduction, "is a particular aspect of our state, namely, that which it wears towards foreign states, during a certain period." Seeley was nothing if not patriotic. To him as a student of national politics the topic of absorbing interest was the growth of the British Empire. His most famous and stimulating historical work is without doubt *The Expansion of England*, and it was in recognition of the service he had done to the state in bringing home to English people a patriotic sense of the greatness and importance of the Empire that Lord Rosebery, when he came into office in 1894, recommended that the Cambridge professor should be knighted and enrolled in the colonial Order of St. Michael and St. George. The two volumes on *The Growth of British Policy* were intended to form the introductory chapters of a larger work dealing with the same

subject. The task Seeley set himself was to investigate the movement of England from the South British monarchy to a world-wide empire. He rightly perceived that the beginning of this movement belonged to the reign of Elizabeth, and the most stimulating and valuable part of his book is the first section discussing the reign of the famous Tudor queen. He accurately notes the importance of the long peace of Elizabeth which preceded the better known war of Elizabeth as the characteristic feature of her reign, and skilfully examines the somewhat intricate policy which enabled her to maintain her country at peace. After examining the reigns of the first Stuarts, Sir John Seeley next discusses the Protectorate of Oliver Cromwell and the Military State, giving perhaps, as is the tendency nowadays, too much credit to Cromwell for carrying out the policy inevitably forced upon him by his position. The reigns of the later Stuarts are then dealt with as a second period of reaction, and the book concludes with a study of William III. and the Commercial State. Throughout its pages the reader will find striking discussions of certain leading topics. Sir John Seeley is not the first writer to notice the importance of the royal marriages in the sixteenth century and the national good fortune which resulted from the unfruitfulness of the marriage of Mary Tudor with Philip of Spain, but few writers on the same field have so strikingly commented upon the subject or upon the value to England of Elizabeth's persistency in refusing to give her hand in marriage. Many writers likewise have dwelt upon the importance of the insular policy, recognizing that the people of the British Islands could not expand beyond the seas until England, Scotland, and Ireland were firmly amalgamated, but few previous writers have so clearly demonstrated the efforts of Cromwell and the success of the Revolution of 1688 in attaining this end. It is by bringing into prominence such points as these and dwelling upon them with the felicity of language natural to him that Sir John Seeley has constructed the most suggestive volumes on English history that have appeared for many years. Though his work may not be considered history in the strictly scientific sense, it is nevertheless a brilliant literary effort and a stimulating historical essay.

By a curious coincidence, Professor Montagu Burrows of Oxford published a volume on *The History of the Foreign Policy of Great Britain* within a few months of the appearance of Sir John Seeley's posthumous work. Professor Burrows has never attained so wide a reputation on both sides of the Atlantic as Seeley, but he has in his time done some useful historical work. He terms his book a history, but as a matter of fact it is far slighter in texture and as devoid of references to authorities as is Seeley's essay. He practically begins where Seeley leaves off, for he passes over foreign policy down to the end of the reign of William III. in the first fifty pages of his book. The slightness of the volume makes it unnecessary to criticise it at any length. Professor Burrows makes no pretence of having undertaken an elaborate or original study, and there is little or nothing in his book that cannot be found elsewhere or that does not naturally suggest itself to the intelligent reader of English history. There

are some small mistakes of fact and some curious statements of opinion that need not be here dilated upon, for they will be discovered at the first glance. It is more gracious to point out one decided merit in Professor Burrows's volume, and that is the attention he pays to naval history. The author served in the English navy for some years and has never forgotten his old profession. This makes him a particularly interesting commentator on naval affairs. The best book he has ever written is his life of that forgotten English worthy, Admiral Lord Hawke, and he shows to the best advantage in dealing with the relation between the commercial policy and the foreign policy of Great Britain as revealed in her treatment of the royal navy and in the course of naval operations. Professor Burrows, like Sir John Seeley, is too much of a patriot to be a very judicial historian, and his history of British foreign policy is in part an apology, but to a greater degree a whole-souled eulogy. In short, it may be said that a reading of Professor Burrows affords a curious contrast to the aggressive Anglophobia which marks the writings of foreign authors upon British foreign and colonial policy, and it is probable that posterity will form a judgment between the two extremes and regard the British statesmen of the eighteenth century neither as greedy grabbers of unconsidered territories nor as unselfish benefactors of the whole human race.

H. MORSE STEPHENS.

Mémoires de Jean François Thoury, publiés par CHARLES BOY.
(Paris: Plon, Nourrit et Cie. 1896. Pp. viii, 317.)

WITHIN the last two or three years, several interesting volumes have been published in Paris of memoirs and recollections of those partisans of the *ancien régime*, who left France at different periods during the French Revolution and went into exile on account of their political faith. These émigrés, as they were called, belonged to all ranks of society and were induced to emigrate by very different motives. The majority, however, belonged to the nobility or the clergy, and the privations which they endured in foreign lands seemed all the harder to bear in the light of their former prosperity and social consideration. More than one attempt has been made to write the history of the French émigrés, and Prince Lobanoff is said to have in the press a carefully tabulated list of the names of more than fifteen thousand of them. But the historical works published up to this time and such documents as that just mentioned cannot convey an idea of the real sufferings of the French émigrés with the poignant fidelity of volumes of personal memoirs. In every country in Europe dwelt these unhappy exiles, while their fatherland under the rule of the Republic was inaugurating a new order of things at home and making the name of France glorious upon the battle-field. England, Germany, Italy, and Spain were the chief resorts of the French émigrés; their most famous colony was at Hamburg, but many thousands of them were likewise to be found in London, in Vienna, and in Rome. Most of the memoirs of émigrés recently

published record the lives of noble lords and ladies reduced to dire poverty, but showing, in their gallant efforts to maintain their sad position with dignity and gayety, the truth of the old French proverb *le bon sang ne peut mentir*. Of this character are the memoirs and the correspondence of Madame de Raigecourt, the Comte de Puymaigre, the Chevalier de Mautort, the Baron de Guilhermy, and the Comte de Neuilly. Of a different grade in society was Jean François Thoury, whose memoirs have just been edited by Charles Boÿ. Thoury was not a nobleman or an ecclesiastic, but no member of the privileged classes could have been more bitterly opposed to the Revolution than this humble bourgeois of Châlons-sur-Marne. In a subordinate official capacity at Châlons, he gave full evidence of his royalist proclivities, which, it may be remarked incidentally, separated him from his wife and his wife's family. He describes the passage of the royal family through Châlons on their return from Varennes in 1791 and also gives an interesting account of a mission on which he was sent by his municipality to the victorious general Dumouriez during the campaign of Valmy. But the gist of his memoirs is to be found in the thrilling narrative of his escape from prison during the Reign of Terror, of the perilous adventures through which he passed in order to escape from France, and of his first wanderings as an émigré in Holland and the Rhine country. Finding it impossible to obtain employment or means of subsistence in these parts, Thoury made his way to Russia, and the greater part of his memoirs is taken up with a record of his life as a tutor in the households of certain noble families in the province of Courland. Unlike other French émigrés, Thoury made no attempt to return to France after the Restoration of the Bourbons, though he paid a visit to Paris in 1803 to fetch his daughters. Russia became his second home; he spent the remainder of his days at Mittau in Courland; and he seems to have retained no trace of his French nationality except his easy mastery of the French language, which is abundantly shown in his readable and interesting *Mémoires*.

H. MORSE STEPHENS.

PERSONAL REMINISCENCES OF THE WARS OF NAPOLEON.

Mémoires du Général Baron Roch Godart (1792-1815), publiés par J.-B. ANTOINE. (Paris: Ernest Flammarion. 1895. Pp. xxxvi, 371.)

Souvenirs de Guerre du Général Baron Pouget, publiés par MME DE BOISDEFFRE, née POUGET. (Paris: Plon, Nourrit et Cie. 1895. Pp. vii, 323.)

Mémoires du Général Lejeune, publiés par M. GERMAIN BAPST. *De Valmy à Wagram*. (Paris: Firmin-Didot et Cie. 1895. Pp. xi, 416.) *En Prison et en Guerre, 1809-1814*. (Paris: Firmin-Didot et Cie. 1895. Pp. 348.)

Journal du Général Fantin des Odoards ; Étapes d'un Officier de la Grande Armée, 1800-1830. (Paris : Plon, Nourrit et Cie. 1895. Pp. 514.)

THE publication of the memoirs of Marbot, and their astounding and well-deserved success, have undoubtedly done much to bring about the interest in the first Napoleon which has been so significant a feature of French literature during the past three or four years. French publishers have rivalled each other in their desire to bring before the public the military reminiscences of veterans of the *Grande Armée*, and several interesting personal records of war and adventure during the stirring days of the Empire, which had originally been written for family circulation only, have recently been published. But the popularity of Marbot's memoirs has spread beyond the limits of France and brought the Napoleonic craze with it. It has been found worth while to translate them into English, and the reading public of England and the United States seems to have been as fascinated with the tales of the bygone military glory of Napoleon's army as the people of France. Next to Marbot, the most successful memoir-writer on this period whose volumes have yet been published is General Thiébault, whose lengthy work loses some of the military dash of Marbot's story in its infinity of minute personal details, but conveys something of the same attractive portrayal of life in the French army, when the French army dazzled Europe with its brilliant successes. In their different degrees, and dealing with different spheres of action in some respects, but displaying many of the merits of Marbot and of Thiébault, are the memoirs of the four officers of Napoleon whose names stand at the head of this article.

It is interesting to examine the personal details of the lives and careers of Godart, Pouget, Lejeune, and Fantin des Odoards together, and to point out how in their very difference they all illustrate the military history of France in the days of Napoleon. They entered the army in very different ways, came from different parts of France, and rose to high rank after different fashions. Godart, the eldest of them, who was born in 1761, was the son of a poor cooper at Arras and spent eight years of his early life in the army of the *ancien régime*, rising to the rank of corporal. He had left the army and was working for the support of his family at Arras when the patriotic demand for volunteers for the defence of France in 1792 caused him once more to enter the military service. Since he was an old soldier and knew his drill, Godart was elected by his fellow-volunteers of the Pas-de-Calais to be commandant of the battalion, and it was in this capacity that he served in Belgium in 1792 and at the battle of Wattignies in 1793. The old soldier was something of a martinet and was by no means popular among the volunteers he commanded, while his low birth and want of education offended officers of higher birth or higher rank than himself. Nevertheless, he understood his business so well, that the 79th demi-brigade, afterwards the 79th Regiment, which he commanded after the amalgamation of the regulars, the national guards, and the volunteers in 1794, became a

model for bravery and good discipline. In the days of the Directory Godart served in Moreau's famous retreat in 1796, in Bonaparte's campaign in the Tyrol in 1797, and later in the Ionian Islands and in southern Italy, and he took part with his regiment in the military proceedings of the *coup d'état* of 18 Brumaire which placed Bonaparte in power. Pouget had a very different career. He was the son of a physician of Lorraine, an intimate friend of King Stanislas and the Prince de Craon, and was born at Craon in 1767. When national guards sprang into existence all over France, in 1789, at the commencement of the Revolution, young Pouget was chosen sergeant and then lieutenant of the local battalion of Craon. Two years later, when the country was declared in danger, his company volunteered for active service and he became captain in the fourth battalion of the Meurthe. In this capacity and on the staff he served in the famous campaigns of 1793 and 1794 with the army of the Moselle, but was removed from the service with many other officers, among them Napoleon Bonaparte, by the reforms of Aubry in 1795. After five years without employment, he re-entered the army in 1800 through the influence of General Lefebvre, whom he had known in the army of the Moselle, and was appointed major of the 62d Regiment in 1803 and colonel of the 26th in 1805. Lejeune was some years younger than Godart and Pouget and was born in 1775. His first campaign was that of Valmy in 1792, when he served with the company of Parisian students known as the "Compagnie des Arts." This company disbanded itself in 1793, but the young soldier soon volunteered for active service under the decree which called out all men between eighteen and twenty-five years of age. After serving on the staff, his talents caused him to be employed in the Engineers, and as a lieutenant in the scientific corps he served in the conquest of Holland and upon the Rhine. Since he had graduated in the field and not from the engineer school at Mezières, Lejeune was summoned to Paris during the Directory to pass a special examination in his professional acquirements. He passed the examination so brilliantly that he was made a captain in the Engineers and appointed aide-de-camp to Berthier, the famous chief of the staff of the Emperor Napoleon, and in this capacity he was present at the battle of Marengo and was the officer sent to hurry up the corps of Desaix, the arrival of which won that famous victory. Fantin des Odoards was born in 1778 at Embrun in the Basses-Alpes, and took no part in the wars of the Revolution or of the Directory. He entered the army as a sub-lieutenant of infantry in 1800, after the battle of Marengo, and obtained his captaincy in the 31st Regiment in 1805, the first year of the Empire, without seeing any active service.

Such were the varying paths by means of which the four officers, whose memoirs have just been published, made their way into the ranks of the *Grande Armée*. Their careers in the army of Napoleon, as might be expected, were influenced by their origin. Lejeune served upon the staff of Berthier for many years with increasing distinction, and as a staff-officer was employed in what may be called the higher branches of the profession.

Since Berthier was the chief of the staff and personal friend of the Emperor, Lejeune, of course, was often brought into contact with Napoleon himself, and he relates many anecdotes about his bearing and appearance at different important epochs. He did not leave Berthier's staff till the Russian campaign of 1812, when he was made, after the battle of Borodino, chief of the staff to Davout. He was chief of the staff to Oudinot during the earlier part of the campaign of 1813, and during the latter part commanded a brigade of infantry at Leipzig and at Hanau. Less brilliant to the imagination are the careers of Godart and of Pouget. While Lejeune has, like Marbot, good stories to tell of life on the staff and of personal intercourse with the Emperor, the former were occupied in doing their duty as colonels of regiments. Godart commanded the 79th, which he had formed in the days of the Revolution and which had grown up under him, so to speak, till 1809. At its head he did good, though rather too impetuous, service, at the battle of Caldiero in 1805, and after remaining with it in Dalmatia for more than three years, he marched with Marmont's corps to the aid of the Emperor when he was encamped in the island of Lobau in 1809. In the great battle of Wagram the 79th fought for the first time in one of the great battles of the Empire, and Godart found himself for the first time since 1797 under the immediate command of Napoleon. For his services at Wagram he was promoted general of brigade and made a baron of the Empire, but he never distinguished himself as a general officer. He commanded a brigade in Masséna's invasion of Portugal in 1810 and in the disastrous retreat from Torres Vedras, but when his old enemy, Marmont, who had refused to recommend him for promotion for his services in Dalmatia, and who regarded him with contempt as a low-bred and uneducated officer, took command in the Peninsula, Godart was speedily recalled. In the Russian campaign he acted for some months as Governor of Vilna, and in the campaign of 1813 he commanded a brigade under Gouvion-Saint-Cyr, and capitulated with that general at Dresden. Pouget, like Godart, was essentially a regimental officer. His regiment, the 26th, distinguished itself in many battles, notably the battle of Eylau, when his services were recognized by his being made a baron of the Empire. He had part of his left foot shot off at the battle of Aspern or Essling in 1809, and was then promoted general of brigade. In the Russian campaign of 1812 he commanded a brigade in the corps of Oudinot, but was left behind in the advance on Moscow as Governor of Vitebsk, and was at the time of the French retreat made prisoner by the Russians. Fantin des Odoards was a younger man, and it was not until after he had been present as a captain in the 31st Regiment at Austerlitz, at Friedland, and in Spain that he received promotion in 1810 by being appointed to the command of a company in the Old Guard. While in Russia he was promoted major; in the campaign of 1813 he commanded first the 17th and afterwards the 25th regiment, and after escaping the surrender of Vandamme's corps at Kulm, he had to capitulate with Gouvion-Saint-Cyr at Dresden. Fantin des Odoards alone of the four was actively engaged in the brief campaign of 1815, when he commanded

the 22d Regiment, which belonged to Vandamme's corps, at Ligny and at Wavre. He alone of the four, also, saw active service after the Empire was at an end; for he commanded a regiment in the invasion of Spain in 1823, and then won his promotion to the rank of a general officer. It may be interesting to note for the use of students of the wars of the Empire that Lejeune, Pouget, and Fantin were present at the battle of Austerlitz, Lejeune at Jena, Pouget and Lejeune at Eylau, Fantin and Lejeune at Friedland, Pouget and Lejeune at Aspern, and Godart and Lejeune at Wagram. Godart, Lejeune, and Fantin served in Spain during the Peninsular War, the first as a general of brigade under Masséna in 1810-1811, the second as commanding engineer at the siege of Saragossa and afterwards on a special mission during which he was made prisoner by the Spanish guerillas, and the third in the campaign of Corunna, Soult's occupation of and defeat at Oporto, and at the battle of Talavera. All four saw something of the Russian campaign of 1812, though Godart and Pouget were left behind as provincial governors and never entered Moscow. Godart, Lejeune, and Fantin served in the Saxon campaign of 1813, but since the first and third were made prisoners at Dresden and the second was severely wounded before re-entering France, none of them took part in the famous defensive campaign of 1814. It is also perhaps worth noting that all four were several times wounded more or less severely, and that all four were at different times taken prisoner by the enemy, Pouget by the Russians, Godart and Fantin by the Austrians, and Lejeune by the Spaniards, who handed him over to their allies, the English.

It remains to be added that of the four books Lejeune's is by far the best written. In vivacity of style, Lejeune sometimes almost reaches the level of Marbot, and the story, for instance, of his captivity in Spain with its hourly peril of instant execution is both thrilling of itself and admirably related. As material for history, however, the most valuable record is that of Godart on account of the new light it throws on Marmont's operations in Dalmatia, and on the conduct of Masséna's invasion of Portugal. It is further illustrated with most valuable notes by M. J.-B. Antoine, throwing great light on such obscure points as regimental organization under the Directory. The journal of Fantin des Odoards has its main interest in the fact that it was regularly written up day by day or week by week, and contains, therefore, a veritable picture of the daily life of an officer in the *Grande Armée*. His account of the retreat from Russia, however, was written up some months after he had passed through those weeks of horror, but it is none the less a graphic and powerful narrative. Pouget's *Souvenirs* are charmingly written as a record for his children of what he had seen and suffered, but his opportunities for seeing were not so great as those of Lejeune and his book is proportionately of less interest and value. It may be said in conclusion that if the Napoleonic craze is going to produce many more volumes of personal recollections like those of Marbot, Thiébault, and the four officers whose names have been so repeatedly mentioned in this article, it is to be hoped that it may continue a little longer before giving

way to some other fashionable craze that may not provide equally valuable and interesting narratives for the use of the historical student and the delight of the general reader.

H. MORSE STEPHENS.

Histoire du Second Empire. Par PIERRE DE LA GORCE. (Paris : E. Plon, Nourrit et Cie. 1895. Two vols., pp. vii, 493, 458.)

As we draw farther and farther away from the events of the period from 1850 to 1870, it may well be expected that renewed attempts will be made to review these events from the standpoint of the historian rather than of the politician ; that scholars will arise competent to discuss men and movements without prejudice and without passion, and to utilize the ever-increasing mass of letters, official documents, memoirs, and special monographs that are each year in course of publication. Thus work will be produced acceptable to the readers and critics of our generation, who, strangers to partisanship and in sympathy with the canons of modern historical research, desire to know accurately the meaning of that important period and the part which its statesmen have played for good or for evil in creating the political situation as we see it to-day. What Mr. Rhodes is doing for this country, and what Sybel—with full allowance for his national liberal sympathies—has done for Germany, M. Pierre de la Gorce is doing for France.

M. de la Gorce is to be classed with the members of the modern school of French historians,—Monod, Aulard, Babeau, Sorel, Rambaud, Langlois, Bémont, and others,—who, in one field or another, are doing the best historical work in France to-day. Already well known as the author of an admirable history of the Second Republic,¹ he has brought to his task the qualities of a trained scholar, who has made his vocation neither politics nor literature, but history ; and, while recognizing that his material is inadequate for a final treatment of his subject, has endeavored to relate faithfully and conscientiously the history of the Second Empire as the accessible documentary evidence presents it to him. Although his work is based to a large extent upon published material, it is evident that access to private sources of information has, in many instances, enabled the author to make clear many important points hitherto obscure.

In these volumes M. de la Gorce treats of the period from January 1, 1852, to May, 1859, when Napoleon III. announced to the French people the fact that war existed between France and Austria. He writes of those first years,—*les années heureuses*,—when the Napoleonic government, in fancied security, gave little thought to indications of eventual failure,—indications bound to appear in the history of a régime indifferent to all those political problems that had been uppermost in France since the French Revolution. M. de la Gorce opens his subject with a discussion of the *coup d'état*, and traces the policy of Louis Napoleon as dictator of the

¹ *Histoire de la Seconde République Française.* Two vols. 1887.

Republic, explaining the success of the *coup d'état* by showing that France did not want parliamentary government as much as she wanted political peace. He examines the methods employed by Louis Napoleon to win the support of all classes of people, his clever manipulation of the economic forces of the period, his measures for gaining electoral support, and his attitude toward the central and local administration, in preparing the way for the establishment of the Empire. He then takes up the Empire itself, traces in considerable detail the steps leading to the assumption of the imperial title, and discusses the imperial constitution, the legislation whereby the imperial power was increased, the men who served as ministers, the loss of liberty, the increase of wealth and luxury, and the growing political apathy of France.

Having thus examined the internal conditions of the first years of the imperial epoch, he turns to the foreign relations, and devotes the remainder of the first volume — about 250 pages — to the Crimean War. Returning, in the second volume, to the government and life of the Empire, M. de la Gorce enters upon a brilliant analysis of the internal economy and administration, the political parties, the Christian society, and the social classes, and searches for the causes of Napoleon's popularity. He studies the Emperor's policy of reconciliation, his sagacity, his quickness to seize opportunities, and his skill in turning everything to the advantage of the Empire. At the same time he shows the hollowness of this popularity, the artificiality of the imperial government, its want of organic connection with the national life, as seen in the growth of doubt and suspicion, of electoral indifference, of party inactivity, and of gloomy debate in the Chambers. His chapters on *L'Empire et les Partis* and *L'Empire et la Société Chrétienne* are particularly strong; each is, in a sense, a distinct essay, in which the delineation of men is admirable, and the treatment of religious leaders and questions, although in no sense laudatory, appreciative and sympathetic. That upon *Les Élections de 1857* — a severe arraignment of a Napoleonic plébiscite — and that upon *L'Attentat d'Orsini*, bring us back to the political phases of the subject, and prepare the way for a further discussion of the foreign relations of the Empire, the last 196 pages being taken up with the Italian question.

To determine the exact measure of M. de la Gorce's contribution to the history of France, we must compare his work with that of others who have written upon the same subject. In the first place, he has approached his evidence as an historian and not as a littérateur, as did Jerrold in *The Life of Napoleon III.* (1874-1877), nor as a politician and journalist, as did Delord in his *Histoire du Second Empire* (1869-1875). Untouched by the political passions of the period, he has published his work at a time when party bitterness is subsiding; whereas Jerrold, an acknowledged friend of the imperial family, began to collect his materials early in the sixties; and Delord, a republican of the type of 1789, issued his first volume in 1869 and the remainder before it was certain whether the Third Republic would live or die. In the second place, M. de la Gorce treats with

equal success affairs of state at home and affairs of diplomacy abroad ; whereas Jerrold wrote of Napoleon *intime*, and had no real appreciation of the political history of the Empire ; while Delord, though fairly successful in his delineation of the strength and weakness of the imperial régime, failed signally in his discussion of the foreign relations, and never understood the importance of the war policy in alienating the people of France from Napoleon.

But in his treatment of the Crimean War M. de la Gorce comes into competition with writers of another class. Was it necessary to devote so much space to the war, when Kinglake in *The Invasion of the Crimea*, Geffcken in *Zur Geschichte des orientalischen Kriegeres*, and Rousset in *La Guerre de Crimée* have already treated it with such fulness ? In the first place, the work of neither Kinglake nor Geffcken is complete ; the former stops with the death of Lord Raglan, while the latter studies the diplomatic history of the war, and avoids the military movements. M. de la Gorce, on the other hand, has given an admirably proportioned account, beginning with the causes, tracing the diplomatic efforts of the Powers, following the movements of the armies, furnishing details and statistics in large numbers, and concluding with a masterly summing up of the work of the Congress of Paris, and of the results of the war. Now the work of Rousset is equally complete, but it cannot be called in every way a well-balanced history. As a writer on military matters and historiographer to the French Minister of War (1864), Rousset devoted his attention especially to the military aspects of his subject. At the same time, depending as he did upon documents of French origin, he underestimated the services of the English troops as much as Kinglake overestimated them. In this particular M. de la Gorce inclines toward the view of his countryman, and it is probable that his presentation will not be wholly acceptable to those who have been wont to think of Alma, Balaklava, and Inkermann as scenes chiefly of English prowess. When, however, it comes to the events which led to the war he far outclasses Kinglake, whose statements need constant revision, and he is superior to Rousset in historical judgment ; for the latter, with all his penetration and technical knowledge, made a number of erroneous estimates as to the influence of the war in European history and its relation to Italian and German unity.

When M. de la Gorce takes up the Italian question, he enters an unworked field and has no competitor ; for he is the first to make elaborate use of those indispensable collections of Italian documents, Bianchi's *Storia documentata*, and Chiala's *Lettere edite ed inedite di Camillo Cavour*. It is in his chapter *Le Piémont et L'Italie*, that he has made his greatest contribution to history. In the sentence, "C'est en Italie que s'est décidé le sort du second Empire," he has found his inspiration, and it is this sentence that justifies the fulness of his treatment. To the elucidation of this question he devotes his best efforts, and he works out with marvellous skill that series of negotiations with Napoleon III. and the Powers abroad, and with Victor Emmanuel and the parties at home, which made Cavour

the greatest diplomat of Europe. In but one matter do I find reason for criticism. M. de la Gorce would have strengthened his discussion of the relation of Piedmont to the Crimean War had he dwelt more in detail upon the policy of resistance adopted by the Piedmontese ministry, especially by Dabormida, Minister of Foreign Affairs. He does not make it clear that Dabormida's hostility to Cavour was based on sound argument and not on merely conservative prejudices. Dabormida wanted guarantees, and would not follow Cavour until Austria promised to respect the independence and freedom of Piedmont, and this Austria would not do. In fact, Cavour's boldness, which history would condemn had he failed, led him at times to commit breaches of international courtesy as well as of international law. To drive Dabormida from his position in the ministry in order that he might fill it himself may have been necessary for Italian unity, but it was not officially honorable.

M. de la Gorce offers us, however, few opportunities for criticism. So well has he done his work, so skilfully has he followed the intricate mazes of European diplomacy, so successfully has he concealed his own predilections and party sympathies, — if he have any, — that we have at last a history of the first years of the régime of Napoleon III. that may be read with confidence and satisfaction. It is not surprising that the work, which has already passed into a second edition, should have been crowned by the French Academy and have received the *prix Alfred Née*.

CHARLES M. ANDREWS.

(*Mémoires du Duc de Persigny*. Publiés avec des Documents inédits, un Avant-Propos, et un Épilogue, par H. DE LAIRE, Comte D'ESPAGNY. (Paris: E. Plon, Nourrit et Cie. 1896. Pp. xx, 512.)

PERSIGNY'S is a name now almost forgotten, but in his day he played no small part in the affairs of the Second Empire. Born a Royalist, he became converted to Imperialism, and participated with Louis Napoleon in the Strassburg and Boulogne episodes. For the last he was condemned to twenty years' imprisonment, but was released in 1848. Beginning with 1849 he was a member of the Legislative Assembly, minister to Berlin, senator, twice minister to England, and twice Secretary of the Interior. The result of the elections of 1863 rendered it advisable that he should resign this portfolio, and soon after his retirement from the cabinet he was created a duke; he continued a member of the privy council, to which he had been appointed in 1858. For fourteen years Persigny rendered a devoted service to Napoleon III., while during the last seven years of the Empire he was utterly neglected by his former master. During this retirement he composed, between November, 1867, and March, 1869, these *Memoirs*, which are not memoirs in the strict sense of the term, but rather a series of detached studies or essays on the politics of the twenty years

following Louis Napoleon's election to the presidency of the Second Republic.

Persigny died in January, 1872, and as none of the persons mentioned in the Memoirs are now living, except the Empress Eugénie, the editor, who was the author's private secretary, judged that the time had come when these writings might fittingly be published. But, frankly, the world has got on very well for twenty-four years without them, and a careful perusal leads one to think that it might have done without them for at least twenty-four years more. For it cannot well be urged that any new light is thrown on unsolved problems, or that very much is added to what was already known of the Napoleonic régime.

Persigny occupied positions which peculiarly qualified him to make many important revelations concerning the government, and yet he either treats with extreme brevity, or else passes over in absolute silence, many of the important topics of the two groups into which the leading events of the period fall,—internal corruption and mismanagement, and the attempted brilliant, though often disastrous, foreign policy of the Empire. On one subject Persigny felt strongly and wrote at considerable length: the attitude of France in the Austro-Prussian relations of 1866; this is one of the most suggestive and instructive portions of his narrative.

His omissions are almost fatal, especially if we include, as may fairly be done, those subjects which are but barely referred to; such as the *coup d'état*, the Italian war, French acquisitions in Asia, interference in Mexico, and the like. The "*documents inédits*," mentioned on the title-page, are few and unimportant.

In spite of its omissions and defects, the book is not without merit. Though the writer hardly conveys to the reader an adequate idea of the extent to which the administration of the country was corrupt, he does, in one of his most important chapters, put his finger upon the fundamental cause of the evil,—the highly centralized character of the system; and the evil is no less patent under the Third Republic than it was under the Second Empire. So, again, Persigny regarded as one of the main reasons for his loss of influence, as well as for the internal misgovernment of the country, the interference of the empress. A very interesting insight into the nature of the influence which she exerted is given in a long letter he sent the emperor, in 1867, concerning her presence at the meetings of the council. The empress resented the advice, but evidently was convinced of its justice, since it was not long afterwards that she ceased to attend.

In his estimate of men and of events, Persigny looks constantly through Imperialist spectacles; but his bias is so evident that one scarcely needs to be put on one's guard. Even though writing while in retirement and disfavor, he still remains the devoted supporter of Napoleon III. To the very last he was ready to offer his services, which were coldly refused. Occasionally, however, he indicates some of Napoleon's faults, such as his "*indécision d'esprit*," his "*indolence de caractère*," and his "*impuissance à dominer son entourage*."

In a word, then, this book makes but a slight positive contribution to knowledge, while its chief interest and value consist in its occasional revelations of the inner workings of the empire of Napoleon III. Though written by a partisan, it scarcely increases our admiration or respect for that monarch.

CHARLES F. A. CURRIER.

Ironclads in Action; A Sketch of Naval Warfare from 1855 to 1895, with some Account of the Development of the Battle-ship in England. By H. W. WILSON. With an introduction by Captain A. T. Mahan, U.S.N. (London: Sampson Low, Marston and Company. Boston: Little, Brown and Co. 1896. Two vols., pp. xxix, 357, xvi, 374.)

A VALUABLE mass of information has been placed before the naval world in this excellent work. Its two volumes comprise over 700 pages, with many handsome illustrations, and as it is quite free from padding, the amount of interesting facts and incidents it contains is most satisfactory. Its merit is enhanced by an introduction from the pen of Captain Mahan, which is in itself a professional contribution worthy of its author as well as a model of literary style.

Mr. Wilson departs but rarely from the attitude of narrator to take up that of critic or judge. In the few instances in which he does so, his deductions are clear and well considered, and the reader sometimes wishes that he had permitted himself more space for detailed argument concerning the principles of naval warfare. His style is characterized by simplicity and exactness—traits that are especially attractive in a narrative of military and naval affairs.

It is not to be expected in so long a narrative as this that Mr. Wilson should be able to weigh all the evidence presented. It is enough for him if the sources of information are of good repute. This has caused him to undervalue ramming in future conflicts, basing his opinions on those of Mr. Laird Clowes, who has presented certain facts as to ramming quite clearly, but whose deductions do not receive the unanimous assent of naval officers. There are but few advocates of the ram who look for results of importance from its use in single-ship encounters. It is with fleets at close quarters that the ram's supreme function will be exercised, and at such a time questions of extreme speed, armor, and heavy guns will be little regarded compared with quickness in turning and the presence on board of a resolute commander.

The author notes that high-angle fire was of little avail in the reduction of the forts on the Mississippi, and that, though the mortar vessels discharged bombs until the ammunition ran short, for all practical purposes Fort Jackson remained intact. This remark attracts attention at the present time when so much of our harbor defence rests upon the efficiency of mortar fire, though it must be remembered that great advance has been

made in mortars since then, and that our present defence system has been thoroughly studied.

The divided command of the Mississippi is indicated by the author as one reason of the failure to defend New Orleans successfully, and he speaks of a general commanding the forts, a commander in charge of the vessels of the Confederate navy, and a separate organization known as the "River Defence," whose vessels were handled by their captains without thought of concerted action. The principle here involved is as old as the existence of war itself, and should be of present interest to this country.

In reading the chapter which deals with the operations off Charleston, we perceive that serious operations at that point were not undertaken before January, 1863, nearly two years after the opening of the war, and the question presents itself, why was not this done earlier? It cannot be expected that Mr. Wilson should take up these matters in a book whose title limits it in some degree to a history of ironclads, but as he devotes considerable space to the blockade, it will not be out of place to notice how little serious criticism of this delay there has been by those who have written on the war of the Rebellion. It would seem that the greatness of the task involved in blockading thousands of miles of coast, and watching hundreds of bays, rivers, and inlets, has prevented Mr. Wilson, in common with many other writers, from recognizing, or at least emphasizing in their writings, that the task might have been avoided; that entrances from the sea to the territory of the Confederacy might have been seized early in the war, and islands and peninsulas commanding the channels might have been occupied by our forces, and held securely by means of our absolute control of the sea. Delay in the beginning was fatal, for old defences were strengthened in the first year and new ones created, which changed practically defenceless positions into formidable strongholds; but, at the outset, the government forces being supreme on the sea and the Confederates having practically nothing, it would have been quite feasible to occupy positions at all or nearly all of the harbors and inlets of the Confederacy, and thus render unnecessary the herculean labor of the ensuing years of the war. Nothing can detract from the bravery and patriotism with which this blockade was maintained, but there is little doubt that, if our naval leaders had been studying the art of war for the twenty years preceding the spring of 1861, on some such lines as Clausewitz and Moltke devised for the German army chiefs, the labor of the blockade would have been vastly reduced, and the Rebellion might easily have been terminated after a two years' struggle. The author announces in his chapter on the blockade, that "The Northerners made their blockade effective by seizing bases on the southern coast," but neither he nor other writers dwell upon the fact that our complete supremacy afloat in the beginning of the war made it possible for us, had we recognized the fact, practically to destroy blockade-running in the first few months of the war.

That the author perceives the value of the study of the art of war in times of peace, is apparent in many pages of this book. He refers to Far-

ragut's long study of fleet formations with small wooden models of his ships, and says that "he combined in an eminent degree scientific knowledge of his profession and courage." Again, on page 159, he unconsciously rebukes those who believe in mechanical invention as deciding future wars, saying plainly that "the whole history of naval warfare is one lesson; that it is men, and not ships, who decide the issue."

Of the battle of Lissa, as presented by Mr. Wilson, there is little to remark. He mentions that Admiral Tegetthof's tactics lacked elasticity, and that there was danger of his firing into his own ships; but we are not to suppose that he regards these defects as sufficient to balance the great advantage obtained by massing a military force, whether afloat or ashore, when undertaking a vigorous offence. Concerning Italy, the author's brief and powerful statement covers the whole ground: "Italy chose the royal road to defeat; she built a great ironclad fleet without training officers and men to take it into action. . . . She neglected that preparation and organization which is the essence of success in war. She forgot to train admirals as she forgot to train sailors. She had no naval staff with plans and information ready in case of war."

Mr. Wilson's second volume contains a chapter, entitled "The Naval Battle of To-morrow," in which the author has grouped the data concerning ironclads and made deductions therefrom as to future ships and their proper tactics. We have mentioned already that the author is at his best when presenting his own views, and is rarely open to criticism except when he presents those of others without analyzing them sufficiently. His discussion of torpedo boats is a case in point. He compares their sphere of action to that of cavalry in a land fight. He states that these crafts act like cavalry by surprises and quick dashes, and, like cavalry, complete the ruin of the beaten. That they act by surprises and quick dashes we know; that they complete the ruin of the beaten we do not know, nor is it at all proven that this is one of their functions. To complete the ruin of the beaten ship the torpedo boats will probably have to attack it where it has been left disabled and alone out of the *mêlée* of the battle, and where it will be in a position well adapted to withstand the attacks of a torpedo boat which will then have no other vessels to shelter its approach. It can scarcely be thought that however disabled the battle-ship may be, it has been robbed of its quick-firing and machine guns, even though its main battery, or engines, or steering gear may have been so injured as to force it out of the line of battle. The analogy of torpedo boats with cavalry is pleasing to the imagination, but there appears to be no foundation in reason or naval logic for this comparison. Even as scouts they fail in heavy weather, and, except under special conditions, the analogy fails in that respect also.

In his discussion of rams Mr. Wilson says "ability to ram depends upon speed and handiness in the assailant, and the want of these qualities in the assailed." This assertion is often made by writers of the present day, and is doubtless correct in great degree when applied to battles

between single ships. It is, however, as we have said above, with fleet engagements that navies have to concern themselves principally, and in these, when close action is joined and the rams leaving the shelter of the heavy ships enter the confusion of the *mêlée*, the necessity of great speed will not be apparent. It is not a question of pursuing a single ship and manœuvring perhaps for hours to obtain a commanding position from which to ram; but, on the contrary, a sudden charge in the midst of a crowd of ships and a rain of projectiles and the delivering of a sudden blow; or failing that, an attempt on the next astern; in all, a matter of minutes, perhaps seconds. The author's reasoning, therefore, that the necessity for high speed demands heavy boilers, powerful engines, a strong hull, and hence a high displacement, is deprived of its foundation. That the ram type of vessels should be a special class may be justly questioned. Battleships themselves, it is sometimes argued, will make the most convenient rams.

In considering tactical formations the author has indicated nine, and finally settles upon "line ahead," or what we call "column," as the battle formation. His reasons, such as the flexibility, convenience, and other virtues of this disposition of his ships, are clear and convincing. His ruling conception of the battle is two such columns engaging each other on parallel lines, and at from 1000 to 3000 yards distance, with their lighter vessels also in column on their outer flanks. He speaks of tactical manœuvres, probably preceding the battle, and perhaps following the opening of fire, but his reference to these is vague, and he contents himself as to details with the advantage of his smoke blowing from him towards the enemy, and of the sun dazzling the eyes of hostile gunners rather than his own.

Mr. Wilson's vagueness as to the tactics of fleets represents quite faithfully the condition of the naval mind at the present day, and since his book is avowedly a record of facts, and claims for itself no originality of suggestion, it is a merit rather than a fault that he should by simple omission call attention to this condition of affairs, and to the almost grotesque position of modern navies in regard to naval tactics.

Two other principal chapters of the second volume are "Ironclad Catastrophes," and "The Development of the English Battle-ship." They are recommended to the reader as both interesting and instructive, and we regret that space does not permit our giving extracts from their many excellent descriptions.

H. C. TAYLOR.

Studies in Diplomacy. Translated from the French of Count BENEDETTI. (London and New York: Macmillan and Co. 1896. Pp. lxix, 323.)

COUNT BENEDETTI has set for himself a difficult task. Charged by French writers and politicians with having inefficiently discharged his mis-

sion at Ems, he has undertaken to vindicate himself from that aspersion. In that undertaking he has perhaps succeeded, but he has endeavored to do more. He has also sought to show, first, that the Duc de Gramont, the French Minister of Foreign Affairs, was responsible for his failure to secure peace, and, second, that Prussia was responsible for the ensuing war. He had, he maintains, effected a satisfactory adjustment of differences, when the Duc de Gramont intervened with an improper demand and upset it; but he holds Prussia responsible for the French declaration of war that followed. These contentions are not in their nature necessarily and wholly inconsistent. The Duc de Gramont may have blundered, and yet may not have been altogether responsible for the war. But Count Benedetti, in his attempt to cast the whole responsibility on Prussia, does not succeed in maintaining the consistency of his positions.

The fact is now well established, as Count Benedetti asserts, that the candidacy of Prince Leopold for the Spanish throne was warmly sanctioned and supported by Bismarck in 1870, for political reasons. The existence of Prussian intrigue was suspected by France at the time, and this suspicion largely accounts for the violence of the opposition exhibited to the candidacy in that country. In the midst of the excitement Benedetti was officially instructed to repair to Ems, where King William was then staying, and to obtain from him a promise that he would advise Prince Leopold to withdraw his acceptance of the Spanish overtures. In a private letter from the Duc de Gramont, accompanying the official instruction, it was stated that what was desired was an order from "the Prussian King's government" to Leopold to reconsider his decision. This private suggestion, explanation, or direction, whichever it may have been intended to be, Benedetti properly disregarded. From the very beginning the king had asserted that the affair was one with which he, as sovereign of Prussia, had nothing to do. Whether this position was sound or unsound, is a question which it is unnecessary for our present purpose to consider. It was a position from which the king, after having once assumed and maintained it, could not depart without self-contradiction and humiliation. Assuming, therefore, that the object of the French government was to preserve peace by securing the withdrawal of the Hohenzollern candidacy, Benedetti forbore to make a demand which would have rendered compliance with the views of France impossible, and confined himself to the task of inducing the king to advise a withdrawal. Public opinion in Germany had already been inflamed by an immoderate declaration made by Gramont to the Corps Législatif on the 6th of July. It was not desirable to multiply mistakes.

Benedetti had two audiences of the king on the 11th of July. The king intimated that he was in communication with Prince Leopold and with the latter's father, Prince Anthony, and said that, if Leopold withdrew his candidacy, he would approve his decision; and he asked Benedetti to telegraph to Gramont that he expected a communication from Leopold in a day or two, and that he would then give a definite answer. The reasons

which moved the king in this course are manifest. For the purpose of preserving his consistency, he desired that Leopold's renunciation should appear to be a spontaneous act; but he was willing to invest it with a definite character by giving it his approval. On the afternoon of the 12th of July, the Spanish ambassador at Paris received a telegram from Prince Anthony announcing that Leopold had withdrawn his candidacy. This announcement the Spanish ambassador immediately communicated to the Duc de Gramont and to certain members of the Diplomatic Corps, and the news at once became public. The press and certain politicians were highly indignant at this mode of announcing the withdrawal. Unaware of the state of the negotiations, and of the promise of the king to communicate to Benedetti his approval of the withdrawal, they saw in the announcement only a fresh "insult." The Duc de Gramont, yielding to the excitement of the moment, became aggressive. He instructed Benedetti to demand of the king guarantees for the future, in the form of an engagement that he would, if necessary, exert his authority to prevent a renewal of the candidacy. Such a pledge the king refused to give. He pronounced it "a new and unexpected concession," which he was unable to make. But he renewed his assurance that when the messenger, who was expected in the course of the day, had arrived from Sigmaringen with the renunciation of Prince Leopold, he would send for Benedetti and make the communication which he had previously promised. Later in the day, however, the king, instead of sending for Benedetti, made the communication through one of his aides-de-camp, and when Benedetti solicited yet another audience, the king informed him in the same manner that, having given his entire and unreserved approbation to the withdrawal of Prince Leopold, he could do no more. The king thus refused, firmly and absolutely, further to discuss the subject of guarantees for the future. He was moved to this decision not only by the demand presented through Benedetti, but also perhaps by another demand or request made by the Duc de Gramont through the German ambassador at Paris for a letter in the nature of an apology for having permitted the candidature. "At Ems," says Benedetti, "there was neither an insulter nor a person insulted." The king did not refuse to receive him, except for the purpose of discussing the subject of guarantees. If the new demands had not been made, everything would, he maintains, have been satisfactorily settled.

Such is the view set forth by Count Benedetti in his essay on his mission to Ems. One is, therefore, somewhat surprised to find, in his essay on the Emperor William and Prince Bismarck, the following charge: "He [William] arranged with Prince Anthony for his son's renunciation to take place in a way and under circumstances that would be disobliging to France. Whilst sacrificing the principle, he applied himself with immense skill, we should say with monstrous treachery, to discover a way to entangle the Imperial [French] government in the form. We know how well he succeeded." If this charge be true, the Duc de Gramont was right in saying that Benedetti failed to accomplish anything at Ems. Benedetti

did not insist even upon the king's advising, much less ordering Prince Leopold to withdraw his candidacy. He thought his point was gained by securing the actual withdrawal, together with the king's express approval of it. There was much sense in this view. But if, in reality, the king was seeking to be disobliging to France, and to entrap her with the form of the withdrawal, Count Benedetti committed a grave error; for he himself considered the king's course satisfactory, and in a sense made himself a party to it. The reason why he did so is clearly disclosed in his account of his mission. It was the same reason that led him to abstain from demanding that Leopold be ordered, and even from insisting that he be expressly advised, to withdraw. If Count Benedetti, as he himself declares, refrained from assuming such an attitude because it would have wounded the king and given him ground to believe that there was a design to humiliate him, it is only reasonable to concede that the king was actuated in the course he took by the desire to avoid any compromise of his dignity. The king cannot be charged by the French ambassador with insincerity in having exhibited precisely the same measure of solicitude for his own dignity as the ambassador himself considered just and necessary.

In regard to the incidents preceding the outbreak of the war, Count Benedetti makes in the present volume no disclosures that cannot be found in his volume *Ma Mission en Prusse*, published in 1871. He dwells much on the subject of Bismarck's editing of the despatch from Ems—an act which he considers decisive of the question who was responsible for the war. Count Benedetti has been charged in the French press with incapacity in not having learned at the time the contents of that despatch. He thinks this charge unreasonable and unjust, and he certainly is entitled to our sympathy in this regard. But, can the ultimate responsibility for the war be said to depend on the phrasing of the summary which Bismarck prepared of the telegraphic report from Ems? This is a question to which Count Benedetti does not help us to give an affirmative answer. He condemns his government for having neglected to provide the means "to carry on a war which had been foreseen and had become inevitable since Sadowa." Why had it become "inevitable"? The only reason Count Benedetti discloses is that which may be inferred from his treatment of the unification of Germany under the hegemony of Prussia as a menace to the primacy of France. Writing to his government in 1868, he said: "German union will soon be accomplished; ought we to accept it? If so, do not let us conceal the fact that we shall give it a kindly welcome. . . . In the contrary event, let us prepare for war without respite, and let us form a clear idea as to what assistance Austria is likely to be to us." He now refers to this despatch and triumphantly inquires whether it does not show that he "had long since had a presentiment of the conflict, [and] of Prussia's well-determined intention to provoke it?" It certainly shows that he had a presentiment of the conflict.

We naturally look with interest for what Count Benedetti has to say in regard to the famous draft-treaty in his handwriting, which Bismarck

exhibited to the Diplomatic Corps at Berlin after the outbreak of the war, and which disposed of Luxemburg, and contingently of Belgium, in the interest of France. Count Benedetti's explanation of the transaction is that, while he held the pen, the proposals came from Bismarck. Admitting this to be true, does it greatly alter the aspect of the case? If Benedetti was victimized, it was by the easy process of leading him on in a path which he desired to tread. He himself declares that it was his opinion that the equilibrium of power, which had been disturbed by the acquisitions of Prussia, could be restored only by the annexation to France of adjoining countries, and that it was under the influence of this conviction that he assumed "to confer with Count Bismarck on the bases of his own constant overtures." It is obvious that Bismarck was not seeking the aggrandizement of France. He was playing a game in diplomacy, as he admitted in 1870, when he made the draft-treaty public.

I should be glad if I could praise the manner in which Count Benedetti's volume has been translated. The translation, however, betrays numerous defects. The form in which many of the sentences are cast is not English, and can scarcely be called French, and words are frequently employed which indicate a dictionary rather than a literary knowledge of the English language.

J. B. MOORE.

A List of Early American Imprints belonging to the Library of the Massachusetts Historical Society. With an Introduction and Notes by SAMUEL A. GREEN. (Cambridge. 1895. Pp. 137.)

A List of Early American Imprints, 1640-1700, belonging to the Library of the American Antiquarian Society. With an Introduction and Notes by NATHANIEL PAINE. (Worcester. 1896. Pp. 80.)

THESE two works may be considered as parts of one whole, for the second list was undertaken at the suggestion of the author of the first, and is so thoroughly a supplement that no duplication is attempted, a mere reference to the title in the other book being thought sufficient. Together they constitute a long step towards a list of books printed in New England down to 1700, Dr. Green's list embracing about three hundred titles, and Mr. Paine's about the same number, one-half of which, however, were also in Dr. Green's. Thus, in round figures, the two works include four hundred and fifty distinct titles, and Mr. Paine in his preface states that "the two lists probably contain the titles of nearly all the known publications now extant, issued from the press in British North America from 1640 to 1700 inclusive." We presume in this statement, Mr. Paine means more specifically the press of New England, as the Philadelphia and New York presses were both quite active within these years, yet have but few representatives in these lists. Even with this deduction from the statement, it is still open to question. Without relying on Thomas and Haven's list,

which is too inaccurate to have much dependence placed upon it, a number of tests seem to prove that not more than between a half and two-thirds of the product of the New England press is in the possession of these two libraries. Taking the issues of Daye and Green before 1650 which are actually in existence, as an example, we find in the two lists the *Bay Psalm Book* of 1640, the *Declaration* of 1645, the *Theses* of 1643 and 1647, and the *Oratio* and the *Platform* of 1649. But we do not find the *Almanacs* of 1646, 1647, 1648, 1649, nor the second edition of the *Bay Psalm Book*. And to show that this proportion is true of the whole period, it is worth noting that for the year 1691 the two lists give fifteen titles, but do not include the Mathers' *Old Man's Honor*, *Fair Weather*, *Good Souldiers*, *Things to be Looked for*, *Ornaments for the Daughters*, and *Cause and Cure*; Moodey's *Great Sin of Formality*; Janeway's *Token for Children*; *The Assembly's Catechism*, and *Some Considerations on Bills of Credit*, giving a proportion of 15 to 10, and still omitting several others that are probably in existence.

This question of inclusiveness is one, however, of minor importance, not in the least detracting from the true value of the two books, which absolutely fulfil in every respect the purpose they attempt, and so far from revealing poverty, prove that an astonishing proportion of Massachusetts' incunabula are to be found within these two libraries. The books, too, have been catalogued with great minuteness and accuracy, and the indices are satisfactory. The period covered is one of much interest, including, as it does, the beginnings of the revolt against Puritanism, the Andros controversy (with the side-issue of the establishing of the Episcopal Church in Boston), and the witchcraft delusion, all of which produced outbursts of pamphleteering. The bulk of the issues are the theologico-political tracts, almost singular to New England, in which current politics were so blended and interwoven with questions of doctrine as to be now practically inseparable, unless the Puritan jargon of the day be mastered. Another offshoot of this religious literature—that in Indian languages—also seems to have had more or less political intention in it, the fathers very quickly finding that it was both easier and cheaper to convert the red man than to fight him. In true politics there are not more than a dozen squibs, unless we class under this head the colonial laws. Of these latter, the two collections united make an extensive series, the codifications of 1660, 1672, 1675, and 1699, and the session acts for 1663–1666, 1668, 1672–1677, and 1692–1699 being given. When it is considered that the late George H. Moore, who specially collected Massachusetts laws for a long series of years, was only able to obtain session acts covering nine years of the seventeenth century, we can see how material a contribution the present works make to the legal bibliography of that period. In the field of belles-lettres there are no more examples than of true politics, and these few are wholly limited to poetry, the play and novel finding no favor in that time and region. There are a few attempts in science, medicine and physics being the narrow range to which the philosophy of the writers was limited. History and biography

make a somewhat better showing in numbers. It is worth noting, however, that the Massachusetts press is by no means a true exponent of the literary activity of the New England writers, by far the larger number of their productions being printed in England.

Taken in connection with the work of Mr. Hildeburn for the Pennsylvania press, and his announced work of the same character for New York, we are evidently very fast approaching towards a bibliography of printing in the English colonies down to 1700, and it is to be hoped, since so much of the ground has been gone over in the present works, that before long some one will prepare a list of Massachusetts imprints on an equally elaborate scale with Mr. Hildeburn's books. The mysterious 1680 Virginia imprint and the Maryland imprint of 1697 would still be gaps, but such small ones, that we should practically have a list of the issues of the press of the English colonies for the seventeenth century.

PAUL LEICESTER FORD.

The Life and Correspondence of Rufus King, Comprising his Letters, Private and Official, his Public Documents, and his Speeches. Edited by his Grandson, CHARLES R. KING, M.D. Vol. III., 1799-1801. (New York: G. P. Putnam's Sons. 1896. Pp. xxv, 580.)

THE present volume deals with only three years of King's life, covering but a part of his service as minister at St. James. Thus, so far as his letters and notes are concerned, the subjects treated are almost wholly those in question between America and Great Britain, commerce, neutrality, and impressment being the prevailing bones of contention; but many minor questions growing out of the treaties of 1783 and 1794 were still able to cause friction. In addition, King's correspondents in America tell us much about the party struggles of the day, and the old stories of Virginian supremacy, of Jeffersonian Jacobinism, of the Federalist split, of Adams's waywardness, and Hamilton's rashness are again told, and readably told. King's closest correspondents were Pickering, Cabot, Sedgwick, Ames, Troup, and Gore, and all were interesting, if biassed, writers. There is little of the editor's own work, except in the constant evidences of careful editing, almost the whole of the six hundred pages being original documents, many hitherto unprinted, and scarcely one of which is not of distinct value.

The negotiations of King with the British government, while not involving any great feat of diplomacy, were difficult in the extreme, not so much through the actual questions involved as through the complications introduced by the new problem of independence, and the war actually being fought. The disposition of the English government was distinctly amicable. King's complaints are listened to with invariable courtesy by Grenville and Hawkesbury, many of his requests are promptly complied with, and if long delays occurred in the righting of others, the press of work on the ministry and the difficulties of communication at the time seem adequate excuses.

It is true that there was ill-feeling still burning in English hearts towards their former colonies, but this nursing of old passions was no worse than the political appeals in America, mentioned by Cabot, "to every popular prejudice and especially the inexhaustible one of animosity to the English."

The British seizure of American vessels and the impressment of sailors were certainly good material to use in domestic politics, and that use in time produced its logical results in the most useless war ever fought by the United States. The condition, in fact, was a difficult one. On the one side, owing to the war, American shipping had grown till "at present [1799] it absorbs an immense capital. . . . Indeed nearly all our Capital as well actual as nominal is engaged in Commerce. Scarcely any is left for any other object"; for, as Cabot, who was closely in touch with the commercial classes, ably pointed out, "It is to my mind perfectly clear that the doctrine of 'Free Ships make Free Goods' is the most pernicious to Neutrals that cou'd be devised. Neutrals necessarily derive great pecuniary advantages from the universal insecurity of Belligerent property on the Seas: But let this property be allowed the protection of a Neutral Flag and those advantages are at an end. The profit to Neutrals of merely carrying the goods of the Belligerent is contemptible and wou'd be overbalanced at the close of every war by the great excess of shipping on hand which wou'd be of little or no value — the profit of Neutrals does not arise from carrying the property of Belligerents but it arises from the opportunity which war produces of selling extremely dear and buying extremely cheap — that is of trading where the market is under supplied with what they sell and overstocked with what they buy." And that in this view he was largely correct is proved by King himself half approving of the famous decision of Sir William Scott, as of probable advantage to America, even while he questioned the system which made the judge of the High Court of Admiralty also a member of the Privy Council, and thus "occupied in the discussion of . . . those maxims . . . which are employed to increase and preserve the dominion of England upon the seas." The fault, however, King showed to be in the main due to the "discretion given to the Commanders of several hundred cruisers and privateers . . . when it is considered that few of these Commanders belong to the wealthy classes, and for that reason many of them are more anxious to make prizes than to gain Victories," and to the vice-admiralty courts, the judges of which were only paid in fees from condemned captures, and therefore were virtually bribed beforehand. This latter evil King succeeded in having remedied, and this feat constituted his greatest diplomatic achievement of these years.

Turning from commercial to party questions, there is much that is striking. King's correspondents were nearly all profound pessimists as to the future of their country. The one exception to this view is furnished by Gouverneur Morris, who wrote, with almost prophetic vision, "*nil desperandum de Republica* is a sound Principle. Let the Chair of office be filled by whomsoever it may, Opposition will act as an outward Conscience, and prevent the Abuse of Power. As to the discarding of it, we may fairly

trust the Ambition which seeks Office for holding the Power which it confers." King himself shared this hopeful confidence; when his American agent proposed to sell his government securities, as the election of Jefferson became probable, he replied, "I have no notion that our Government, or the security of our property can or will be, in any material degree, affected by any changes that have happened or that in my opinion are likely to happen. I should be sorry for the important change that you [mention] but which I do not think will take place; should your conjecture however prove true . . . I should not from thence conclude that the Government was lost, that the public faith and character were destroyed, and that property would be thrown off its foundation—really if I did believe so I should consider it the highest folly to approve not only an useless but a criminal conduct to endeavour to Support a Constitution, which at each periodical election would expose the country to so great and critical a risque," and again, he writes, what is evidently the original of "there is a special providence for fools, drunkards, and Americans," to the effect that, "Steuben used to say, since the Jews were cast off, the Americans had become the chosen People; it may be, and that in this way we are to be saved in spite of ourselves." Otherwise a profound distrust is expressed of the democratic experiment, and of Jefferson. "Possibly a French President may be elected," wrote Cabot, and this, with constant references to the "visionary atmosphere of Virginia," are the chief charges against him. Nor did Marshall escape from suspicion of this latter defect, Sedgwick writing that "like all gentlemen . . . from that State," he was "too much guided by refinements of Theory." This distrust of the state had certainly a basis in its recent acts; for as Ames expressed it, "The Antis were buzzing with their work of sedition and electioneering, and seemed sure of getting the State Govts. into their hands to play them like batteries on the U. S. govt.," and Sedgwick went so far as to declare that "the leaders have decided on the actual force of its friends and enemies. This appears to me evident from the conduct of the government of Virga. and its satellite Kentucky. With regard to the former, it has displayed an anxiety to render its militia as formidable as possible, and to supply its arsenals and magazines, and for those purposes it actually imposed a tax on its Citizens."

Much is said on the side of practical politics, and the inauguration of the spoils system in Massachusetts (p. 71), Pennsylvania (p. 353), and New York (p. 409), with the carrying of each of those states by the Democratic party, together with its introduction into our national government by Jefferson, suggests some relationship that has not yet received philosophic treatment. The Federalists seem to have been confident that Jefferson would only fill vacancies, and charged bad faith when he made removals, their explanations being that the President had so displeased his party by his conciliatory inaugural, that he was forced to depart from his own system to pacify them. One result of the spoilsman's work in New York is told in a letter of Troup, apropos of one "William Coleman, who was the

clerk of our Court for this City—an office that brought him in at least \$2500 a year. He came here under the patronage of Mr. Sedgwick, is a native of Massachusetts. We have set him up, in consequence of his removal from his office by the late proceedings of the Council, as a printer. His first paper will make its appearance in October next, and I have little doubt from the specimen given by the Pamphlet, it will be ably conducted." It seems poetic justice that the paper so started should have come to be the great standard-bearer in the fight against this very system.

There is much more of true interest that must be passed over with mere mention. Pleasant glimpses are given of two Loyalists, Rumford and West, trying to serve their country, and expressing love for it; and of Wilberforce, engaged heart and soul in the abolition of the slave-trade. The obverse of human nature is shown in Lansdowne's charge that the Peace of 1783 was "a stock jobbing one . . . D'Aranda and the French Minrs gambled in the English Funds," and again in Talleyrand's offer to make a satisfactory peace with England, "the price or bribe of a million sterling to be divided among the Directory, ministers, & others," the agents being the same as those employed in the X. Y. Z. negotiation. On a smaller scale, we are told how "In the famous case of *Le Guen vs. Gouverneur Kemble*, he [Burr] was assistant counsel with Hamilton, who was the leading counsel, and whose talents and influence we all know pushed the cause through. Hamilton would take no more than \$2500 for his services, and Burr (having got previous loans from the Frenchman) worked him out of about \$6000." Not less interesting is Simcoe's statement that he was ordered by Lord Dorchester to attack Wayne's army, thus to begin a war between America and England, and Gouverneur Morris's contention that "a direct Tax, unpopular everywhere, is really unwise in America, because Property here is not productive."

PAUL LEICESTER FORD.

The Industrial Evolution of the United States. By CARROLL D. WRIGHT, LL.D. (Meadville and New York: Chautauqua-Century Press. 1895. Pp. 362.)

MR. WRIGHT's book is a popular account of the growth of manufacturing industries in the United States. Its four parts of approximately equal length deal with the evolution of manufactures during the colonial period, the era since 1790, the labor movement, and finally with the influence of machinery upon labor.

In the first part we are told how one leading industry after another gradually secured a precarious foothold in the New World. The establishment of distinct manufacturing industries went hand in hand with the development of technical processes, and particularly with the application of mechanical motive power. This involves the oft-told tale of the early inventions in the textile industries. But this early history is a brief record of the establishment of mills at different points. Too often our knowledge

of these efforts consists merely in the not too luminous fact that at a given date a mill was erected. What its success was, where it marketed its products, what was their character,—all these, the real economic history of the enterprise, are too often lost in obscurity.

In the era following 1790 the records are still comparatively inaccessible prior to 1860. Such statistical evidence as this period provides is skilfully utilized by Mr. Wright, for here he is on his own ground. Yet in the main we are dependent upon general evidence relating to particular localities, and it is unavoidable that the treatment should not rise above the level of the first part. Previous investigations on the factory system have qualified Mr. Wright to speak with authority upon this topic, to which he devotes an excellent chapter. It was during the years 1790 to 1860 that manufacturing became established on an enduring basis, and with the multiplication of the records the narrative becomes more connected.

The era of the Civil War is one of industrial revolution. It marked a complete change. The factory system of New England and the Middle States became that of the nation. With the impetus given to transportation local industry and obsolete methods began to disappear.

From 1860 to 1890 we have in the census an invaluable record of many aspects of manufacturing activity, and these elements are deftly woven together to tell the story of our manufacturing growth in recent years. In this growth two elements receive especial attention,—the magnitude of industry and the condition of labor. The bare facts of the size of industrial interests are made to tell an instructive story, yet the admirable handling of census figures on wages and wage-earners will naturally receive a greater attention.

The part devoted to the labor movement gives a brief summary of labor organizations, historic labor controversies, and labor legislation. In regard to the latter the experience of Massachusetts serves as a type. In discussing the influence of machinery upon labor, Mr. Wright touches upon a topic somewhat unrelated to its historical setting. His analysis states clearly the concrete facts in controversy, and draws conclusions which in the main are optimistic.

The work is written for beginners, and forms a part of the Chautauqua series, and it meets with the requirements of a popular work. It may be regarded as a summary of Mr. Wright's previous work, with no pretence to original research or novelty of presentation. It places before the general reader the wealth of information for which the student looks to Mr. Wright's numerous official publications.

There is a lack of perspective in the elaborate attention given to the colonial period, where the records are scanty and the picture of necessity sketchy. Had the term "industrial" been used in a broader sense, had the position of agriculture and trade in our national life been more specifically pointed out, we should have had a fuller, and therefore a truer, picture of national growth.

ROLAND P. FALKNER.

Reconstruction during the Civil War in the United States of America. By EBEN GREENOUGH SCOTT. (Boston and New York: Houghton, Mifflin and Co. 1895. Pp. x, 432.)

RECONSTRUCTION, as a term in United States history, is usually thought of as applicable to the period following that of the Civil War. The title of Mr. Scott's work, therefore, is at first a little confusing; but the justification for its form is found in the fact that the volume treats of those earlier ideas of reconstruction that were developed in theory and in practice before the definite termination of military operations. It would be a great comfort to be able to state that the author's fidelity to his title had limited him to this particular work. The time may come when a history of our great catastrophe will not be regarded as necessitating an account of indefinite centuries before it occurred. While all will concede that the roots of the present lie deep in the past, the reflecting public sooner or later becomes weary of inspecting the roots, and craves a mere view of what to the modern eye is above ground. But Mr. Scott adopts the time-honored method of approaching his subject. After an introductory chapter on some incidents of the formal secession, he drops back to "the great Anglican Revolution," and discourses on Magna Charta, Simon de Montfort, Aristotle's idea of a *πολιτεία*, and a miscellaneous assortment of historical, social, and political conceptions. It must be put to his credit, however, that he has nothing to say of the Anglo-Saxons, the *tûngemôt* or the "forests of Schleswig-Holstein."

The chapters of the work from the third to the eleventh — over half the book — are occupied with a rambling review of our constitutional and political history from the Stamp Act to the Missouri Compromise. Nothing pertinent to the subject seems to have happened between the latter incident and Lincoln's inauguration; for the discussion passes abruptly from the first to the second of these topics. The whole effect of these preliminary chapters is to indicate the author's attitude as that of an extreme strict constructionist in his view of the constitution, and a strong believer in the rights and "separateness" of the states. And it is from this standpoint that he reviews the questions concerning reconstruction that arose during the war, and the practical operation of the plan which President Lincoln announced in the Amnesty Proclamation of December 8, 1863. Chapters thirteen to nineteen are devoted to a review of legislative and executive proceedings in connection with this plan, down to the rejection of the electoral votes of the Southern states in 1865. This review is not in narrative form, and can hardly be called history. It is rather a commentary on the politics of the time, as illustrated by the reports of debates in Congress, and it reflects at every point the author's conviction that, with the exception of some of the Democratic minority, no one in Congress had any knowledge of, or regard for, the Constitution.

There is no great value, at the present time, in a work like that before us. The real need is that of a clear-cut, unbiassed narrative of the facts

of reconstruction history. Of mere commentary on the constitutional law of the case, there is extant enough and to spare. Mr. Scott announces that the present volume is preliminary to a "political history of the period of reconstruction," and is designed to set forth "certain things necessary to be known before taking up the subject." It is doubtful if the careful reader will lay down the present work with the most perfect confidence in the author's competence as a propounder of "certain things," whether necessary or unnecessary. He is too much of a philosopher to be sure of his facts. He bases a beautiful distinction in the uses of the term "government" on the hitherto undiscovered truth that "in Great Britain all statutory enactments have their inception in the cabinet. Parliament acts only upon that which is laid before it by the ministers" (p. 29). From a footnote on page 47 it appears that at the outset of the Revolution the Colonial governor of Massachusetts was elected by the people! Mr. Scott finds some philosophical significance in the fact that Englishmen have been most active in the discussion of political theory "during seasons of internal tranquillity, when there has been no exciting cause to provoke" such discussion (p. 129). One recalls instantly the "internal tranquillity" that produced the works of Milton, Hobbes, Filmer, Locke, and Burke.

The general ideas of Mr. Scott on the formation and early development of the constitution are merely expressive of his point of view as described above. For Alexander Hamilton he has a Jeffersonian antipathy. Hamilton, he assures us, forced upon the Americans "the worst form of social constitution known to men, plutocracy," the evils of which are only kept from overwhelming us to-day by "the mutterings of revolution" (p. 187).

This view of our history in one of its aspects is a trifle pessimistic, perhaps; but it is intelligible. The same cannot be said of Mr. Scott's account of the sectionalizing of the Union. This process, it appears, was promoted by the North through a departure from its original views of the constitution. New doctrines were crystallized into a platform, and thereupon "the attitude of the North became more and more determined, and she opposed through the Whig party any pretensions made by the South through the Democratic party. . . . At length, throwing aside conciliation, she took a positive stand, and avowed her determination not to permit further territorial extension of slavery. This lent her the appearance of aggression, and the occasion of it was the application of the Territory of Missouri to be admitted into the Union" (pp. 215, 216).

Thus it appears that the Missouri struggle was only the climax of a long conflict between Whigs and Democrats on sectional issues. This is astonishing "history."

In the latter part of his work the author's "facts" are less open to the charge of originality. He outlines the congressional debates on the status of the insurrectionary states in a spirit of intense hostility to the views of the Radicals, and particularly of Thaddeus Stevens. His grasp on the general movement of political thought is fairly sure, but his judgments on

the men and the issues of the time are those of an old-school constitutional lawyer rather than those of an historian of any school.

WM. A. DUNNING.

The *Annual Report of the American Historical Association for the Year 1894*, just issued (Washington, Government Printing Office, 1895, pp. 602), shows a distinct advance upon its predecessors. Volumes made up of such brief papers as can be read orally in twenty minutes at the meetings of the Association, are of but limited utility to the profession or to the world. The Council are wise in departing more and more from this form of publication, and publishing the results of researches at sufficient length to show their value. Instead of a juiceless abstract, forced to wear the guise of unsupported assertion, the writer is "given leave to print" what will afford support to his conclusions and genuine instruction to his readers. Five highly important monographs of this sort mark the present volume. Professor John S. Bassett deals with the Regulators of North Carolina, subjecting their history to a fresh examination in the light of the new matter brought forward in the *Colonial Records* of that state. If any one, by the way, cherishes a doubt as to the fruitfulness of large expenditure in documentary publication, let him observe the remarkable growth of excellent historical literature which has, in North Carolina, followed immediately upon the publication of that great series. The other four monographs, to which especial attention should be directed, are those of Professor Henry E. Bourne, on the Organization of the First Committee of Public Safety; by Mr. Harold D. Hazeltine, on Appeals from Colonial Courts to the King in Council, with special reference to Rhode Island; by Professor Samuel B. Harding, on Party Struggles over the Pennsylvania Constitution (1776-1790); and by Professor A. C. McLaughlin, on The Western Posts and the British Debts. Each of these is an important contribution to our knowledge, and is adequately fortified with documentary and other references. Among the other contents of the volume, especial interest attaches to the thoughtful, though far from cheerful, forecast of the development of the science of history, by the president of the Association, Mr. Henry Adams; to Mrs. Harby's paper on the Tejas; to that of Dr. W. B. Scaife on the Jury System on the Continent; to that of Mr. Andrew H. Allen, *pro domo sua*, on the Historical Archives of the Department of State; and to that of Professor Bernard Moses on the Casa de Contratacion at Seville. Mr. W. E. Curtis prints translations of the twenty-nine holograph letters and documents of Columbus, and Mr. E. L. Whitney a bibliography of the colonial history of South Carolina, which, though extensive and careful, appears not to contain Mr. Sainsbury's *Calendar of the Shaftesbury Papers*, nor Sophia Hume's *Epistle and Exhortation*.

The Government Printing Office is far from infallible in proof-reading: e.g. Granada for Grenada, on page 275; Wedderbourne, on page 277; F. L. Hawkes, on page 141; Earl of Bellmont, on page 323; Mrs. Madona

Catalina (in a letter of Columbus), on page 461. The president's letter is dated from "Guada'-c-jara," presumably instead of Guadalajara.

Dahn's *Könige der Germanen* is coming on somewhat rapidly now after the long break which followed the appearance of the sixth volume. The third part of Volume VII. was published towards the end of last year. The three parts of the volume are quite equal in size to three average volumes of the preceding six, and together they make over 1300 pages, all dealing with the institutions of the Merovingian period. The work exhibits the characteristics familiar to all students of the period in the earlier volumes, — very thorough study, a very technical treatment, and a very strong inclination to hold to the traditional German views on all disputed points. The third part deals with the judicial and financial systems, with the institutions of the church in the Frankish kingdom, and with the royal power, its extent and its limitations, the last topic occupying nearly one-half the space of this *Abtheilung*. Subordinate subjects of especial interest are taxation, the immunities, the assemblies, and the Roman influence on the development of the royal power. On this last point, the author will not admit the degree of Roman influence for which Von Sybel argues, though he does not go so far as Waitz in denying practically all influence. (*Die Könige der Germanen*, Bd. VII., 3d Abth., Leipzig, Breitkopf und Härtel, 1895, p. 581.)

It will be superfluous to praise Henry Gee and W. J. Hardy's *Documents Illustrative of English Church History* (London and New York, Macmillan, 1896, pp. 670) to the reader who takes up the book and finds upon the prefatory page the declaration of the Bishop of Oxford, that "the plan on which it is conceived, the selection of documents which it contains, and the way in which they are arranged and edited are alike very good." To those who have not seen it, it is a pleasure to us to make known the existence of so excellent a book. One hundred and twenty-four of the most important documents of English ecclesiastical history, from the British signatures to the Canons of Arles down to the Act of Settlement in 1700, are presented. Thus, to take one of the last reigns as an example, under Charles II. we have the Declaration of Breda, the Order for the Savoy Conference, the Corporation Act, the Uniformity Act, the Five-mile Act, the second Conventicle Act, and the Test Act. To each document a brief paragraph is prefixed, stating the relations of the document to the church history of the time, the source whence the text is derived, and the authority of that source if there could be any doubt about it. All this is done with learning, accuracy, restraint, and good sense. The documents are usually taken from originals, save in the case of such as are printed in Haddan and Stubbs, the Rolls Series, or the Statutes of the Realm. Documents originally written in Latin or Norman-French are here presented in translation. If we were to find any fault, it would be in the matter of proportion. Four-fifths of the book relate to the sixteenth and seventeenth centuries.

The student of the mediæval church-history of England, who may buy the book expecting it to be as useful for his period as for others, is likely to be disappointed. Only a dozen documents are given for the period before the Norman Conquest, and only forty-five for the whole mediæval period. But these are the most important, selected with excellent judgment, and well edited.

Mr. George Haven Putnam's *Books and their Makers during the Middle Ages: a Study of the Conditions of the Production and Distribution of Literature from the Fall of the Roman Empire to the Close of the Seventeenth Century*, is intended, as the sub-title shows, to cover a larger period than simply that of the Middle Ages. The first volume, now published (New York, G. P. Putnam's Sons, 1896, pp. xxxviii, 459), covers the years from 476 to 1600; the second will extend to 1709. The first part of the present volume is devoted to the making of books in monasteries, to libraries of the manuscript period, to the making of books in the early universities, and to the book trade in the period before the invention of printing. The second part discusses the Renaissance as the background to the early history of printing, the history of that invention itself, and the work of the earlier printers and publishers of Holland, Germany, and Italy.

The Syndicate of the Cambridge University Press has done well to print the most valuable portions of certain previously unnoticed records of the Peasant Revolt which Mr. Edgar Powell has recently discovered (*The Rising in East Anglia in 1381, with an Appendix containing the Suffolk Poll-Tax Lists for that Year*. Cambridge, University Press; New York, Macmillan, 1896, pp. 164). These consist not only, as the title-page might suggest, of poll-tax lists, but also of transcripts of a number of indictments of rioters, and a long excerpt from a contemporary account of the attack on the Abbey of Bury by its almoner, John Gosford. With the aid of the indictments Mr. Powell has drawn up a detailed account, not always indeed very elegantly expressed, of the external facts of the rising in Suffolk, Norfolk, and Cambridgeshire; and in this narrative of his, certain features of the movement stand out with a new clearness, especially the eagerness of the rebels to burn court rolls. Walsingham had informed us of this circumstance in general terms; his statement is now confirmed by scores of instances. Inasmuch as the indictments are usually for murder or theft, they tell us little of the motives which led to the rising; and it cannot be said that Mr. Powell's remarks do much to remove the inconsistencies and vaguenesses which characterize most modern accounts. He thinks it had something to do with the Statutes of Laborers, and he thinks, at the same time, that it was connected with villein services: the relation, if any, between these two explanations, he does not seek to determine. Yet the student of the period will be grateful for the new material Mr. Powell puts in his hands; and not least for an account which appears in

his text (p. 64), though the original record is, unfortunately, not printed, which shows that the demand for commutation of services at the rate of fourpence an acre was persisted in, in one Suffolk village, for three years after the rising had been suppressed. Mr. Powell's conclusion that "the rising was the matured result of a comprehensive plan, carried out by means of a more or less perfect organization, extending throughout the Eastern Counties" (p. 57), which he bases on a statement in an indictment to the effect that a certain person had given himself out as "nuntius magnæ societatis" (translated by Mr. Powell "messenger of a great society"), becomes doubtful when this passage is compared with others in which the same phrase occurs; especially, pages 134, 137. Probably the words "magna societas" mean no more than a large body of men bent on a common purpose, and refer to the insurgents already congregated.

W. J. A.

The Universities of Aberdeen: A History, by Robert Sangster Rait, M.A. (Aberdeen, J. G. Bisset, 1895, pp. xii, 382), is a careful, interesting, and well-proportioned narrative of the parallel history of King's and Marischal Colleges, known since 1860 as the University of Aberdeen. The interest of the volume is not limited to graduates of the northern university. While its story of the rivalries and jealousies of the two Aberdeen institutions must especially appeal to them, this is only a part of the larger history of the slow development of the Scottish university system itself, by the labors of successive parliamentary commissions, to its present form; while this, again, is an integral and important factor of the general intellectual and religious history of the country.

The unsatisfactory point about *The Journal of a Spy in Paris during the Reign of Terror, January-July, 1794*, by Raoul Hesdin (New York, Harper and Brothers, 1896, pp. xxiii, 204), is that no evidence is given of its authenticity. It is nowhere stated in the preface that the original manuscript is preserved in any public or private collection, and the editor gives neither name nor initials upon the title-page or anywhere else. Of course this omission of necessary information may be merely an oversight, for the unknown editor describes the manuscript he has published, though without stating when or how it came into his hands; but historical students at the present time cannot be too careful in insisting that evidence of authenticity shall always be given before they take into serious consideration any new historical document. Apart from this blemish—a most important one, it must be admitted—the editor has done his work well and shows in his notes a very considerable knowledge of the latest literature upon the French Revolution. The period covered by the diary is the last six months of the Reign of Terror; but it concludes, possibly from the loss of the last leaves, before coming to the Revolution of the 9th Thermidor, when Robespierre was overthrown and the Terror came to an end. It cannot be said that the *Journal* throws any new light on the history of Paris

during the Reign of Terror, a fact which further throws doubt upon the authenticity of the *Journal* in the absence of information as to the whereabouts of the original; but the side-lights thrown on social life during the time of great dramatic interest make it worthy of perusal by all who study the history of the French Revolution.

H. M. S.

A charming volume of gossip is *La Vie à Paris pendant une Année de la Révolution (1791-1792)*, by Gustave Isambert (Paris, Félix Alcan, 1896, pp. viii, 324). The author is a scholarly journalist, well versed in all the literature of the French Revolution, who undertook during the year 1891 to write a series of articles for the *Temps*, of Paris, describing the manner of life of Parisians in 1791, in connection with the political events of that most important year in the history of the French Revolution. The idea of celebrating a centenary in this fashion was excellent and the newspapers of Paris have ever since 1889 filled up their spare columns with sketches recording the various striking events and picturesque doings of the period of the French Revolution. Most of these articles are rapidly written and have no permanent value. But M. Isambert is something more than a journalist; he is a scholar as well, and it would have been a great pity if his learned and spirited articles had gone the way of ordinary newspaper articles. M. Isambert has not attempted to write a history of the year which elapsed from 20 June, 1791, when the king and queen and the royal children left Paris in their ill-starred attempt to escape from France which was stopped at Varennes, to 20 June, 1792, on which day the mob of Paris invaded the Tuileries and made evident to all France that the power of the Bourbon monarchy had departed; his chapters treat of such matters as costume, the theatre, the life of the cafés, popular songs and caricatures, and the characteristics of social life during that most interesting twelve-month rather than of the causes and sequence of political events. Charmingly written, giving evidence on every page of wide reading and historical sense, carefully supplied with footnotes and references, M. Isambert's volume may be cordially recommended not only to historical students of the French Revolution, but to all classes of general readers who take an interest in the social life of a century ago.

H. M. S.

The Development of Parliament during the Nineteenth Century, by G. Lowes Dickenson, Fellow of King's College, Cambridge (London and New York, Longmans, Green and Co., 1895, pp. viii, 183), is a concise presentation of the great revolution in government which England has undergone in the present century. The book is written from a conservative point of view. A hundred years ago power lay with a small aristocracy. To-day it is in the hands of a vast democracy. "The power has been transferred from the control of a compact and vigorous aristocracy to that of a democracy which in fact, though not in outward form, is more complete and more uncontrolled than any at present existing in any first-class state." The author traces the changes from the reform

bill of 1832 to the acts of 1884 and 1885, showing that the parliament man has ceased to be a representative and has become a mere delegate, and that thus debates are ceasing to be more than a form, parliamentary votes being predetermined by a political programme — what we should call a “platform.” One chapter is devoted to the House of Lords as the exponent of historic privilege, and another to the socialistic tendency of democracy. In conclusion, there is a discussion of what the democrats want to do with the government when they get final control, and of the dangers implied in a socialistic democracy.

Mr. Dickenson's plea is more than plausible in some respects. The fact is that the tendency in England has been towards a democratic unicameral parliament — and that with cabinet government means simply the autocracy of the temporary majority among the masses. We in America with all our democracy have shunned such a democratic despotism by a most elaborate system of checks and balances. So far as form of government goes, it is only the existence of the House of Lords which now keeps England from the system of the French Convention of 1793. The American republic has a less democratic constitution than the British monarchy.

It is a curious fact that the law lectures of James Wilson have so long lain neglected in the original and scarce edition of 1804; they have been unused by students of law, little referred to by students of politics, and unknown to the ordinary reader of American history. Yet they contain an intensely interesting commentary on the Constitution, written by a man who was himself one of the greatest and ablest men of the Philadelphia convention. They are quite comparable to Blackstone's lectures in profundity and learning; and they give an illuminating example of how the founders of our government looked upon the fundamental principles of the state.

A new edition of Wilson's *Works* has just issued from the press, edited by Mr. James De Witt Andrews (*The Works of James Wilson*, Chicago, Callaghan and Co., 1896, two volumes, pp. xlvii, 577, 623). It is unfortunate that the volumes do not reproduce all of the contents of the first edition, inasmuch as the title has been taken. The law lectures are, however, given in full and have been separately annotated. The editor has cherished the hope that the volumes would be used by law students as the basis of their studies; but there seems little ground for such expectation. The lectures are so crammed with erudite and obsolete learning, that they are oftentimes a weariness to the reader who seeks Wilson's idea of law and not his comments on the customs of the Medes or the Egyptians. The editor has been wise in not intruding his own ideas in the shape of useless notes. The lectures speak for themselves. To the first volume a long argumentative note is appended, which shows how completely the editor has come under the spell of the author. Mr. Andrews argues with great earnestness that not the male voters, but the whole people — men, women,

and babes — are the possessors of political sovereignty in America. Otherwise, what would become of Wilson's oft-repeated assertion that laws obtain their validity only from the consent of the governed? On the whole, the editing has been sensibly done, and students of history and law may be grateful that these profoundly interesting lectures are thus again made widely accessible.

A. C. McL.

Mr. S. M. Hamilton, to whom every student of history who pursues researches in the manuscript collections of the Department of State at Washington is constantly indebted, proposes to issue an extensive series of facsimiles of manuscripts from the national archives. They will be published by the Public Opinion Co., Astor Place, New York City, as *The Hamilton Facsimiles*. Such a series of documents, showing perfectly the handwriting, erasures, interlineations, and signatures of state papers of historical importance, will surely be appreciated by scholars. The expense would ordinarily occur to the mind as an objection to the extensive use of collections so prepared; but Mr. Hamilton promises all possible cheapness. The first issue — a handsome thin quarto — contains documents relating to the Monroe Declaration; five letters which passed between Jefferson, Madison, and Monroe in October and November, 1823; the appropriate extracts from the message of December 2; and a letter of Richard Rush to Monroe, of January 28, 1824. Part II. will contain several famous letters of the Revolutionary period, and documents of the boyhood of Washington. The papers in the third part will relate to the treason of Benedict Arnold.

Miss Elizabeth H. Avery's *The Influence of French Immigration on the Political History of the United States*, a thesis for the doctor's degree at the University of Minnesota, deals with the influence of the Huguenots in the period before 1790, and with the history of the French Catholics in the Northwest and in the Louisiana Purchase, since their acquisition. Plainly no effort is made to take account of the French immigrants who flocked into the country at the time of the French Revolution, in consequence of the revolt in Santo Domingo, or in consequence of the fall of Napoleon. Within the limits of the subject as it is understood by the writer, she does her work carefully, modestly, and with good judgment as to the conclusions reached. It is not so clear that the necessity of working from the sources alone rather than from secondary authorities, as an essential characteristic of work for the doctor's degree, has been kept before the mind of the writer.

Citizenship and Suffrage in Maryland, by Bernard C. Steiner (Baltimore, Cushing and Co., 1895, pp. 95), is both historical and descriptive. Mr. Steiner discusses the methods by which citizenship has been attained in Maryland since the foundation of the colony, and the privileges granted to aliens, gives a history of the suffrage

laws, and then an analysis of the present election laws of the state. The study is a careful piece of work, and is a contribution both to local history and to an important branch of political science in the United States. The general awakening to an interest in good government, state and municipal, it is to be hoped will yield still further fruit in the scholarly study of the evolution of existing state institutions.

Stimmrecht und Einzelstaat in den Vereinigten Staaten von Nordamerika, von Dr. Otis Harrison Fisk (Leipzig, Duncker and Humblot, 1896). This discussion of essential points in the political system of the United States is addressed to a German audience. Its aim is to elucidate the legal status of the states as related to the Union and to explain the basis of suffrage in the several states. The author takes the ground that there was no legal government common to the Union until the adoption of the Constitution; that during the Revolution the states were sovereign; that the Confederation was a league of sovereign states; and that state sovereignty was surrendered only under the Constitution. He explains clearly the dual system of our government and shows how the sovereign people have distributed governmental powers between the two agencies, federal and state. Dr. Fisk has done his work with commendable thoroughness, and the minuteness with which he has cited his authorities point by point is especially Germanesque.

A handsome and interesting volume, commemorative of Thomas Corwin, has been prepared at the instance of various friends and neighbors in Lebanon, Ohio, where he lived (*Life and Speeches of Thomas Corwin, Orator, Lawyer, and Statesman*, edited by Josiah Morrow, Cincinnati, W. H. Anderson & Co., 1896, pp. 477). They spent some years in gathering and preparing materials, and confided to Mr. Morrow, Corwin's last law-student, the work of editing them. He has prepared a brief biography, of less than a hundred pages, in which the greatest amount of new matter is that relating to Corwin's first entrance into political life and his first election to Congress. The remainder of the volume is taken up with Corwin's speeches, delivered in Ohio and in the federal Senate and House of Representatives. The volume is supposed to contain all his speeches that were reported and revised for publication in his lifetime. They are not arranged in a chronological order.

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[Believing that interest in the history of the nominating convention will, during the present summer, be especially active, and hoping that this interest may lead various investigators into those local studies from which alone the history of the institution in its earlier stages can be elaborated, the managing editor presents the following list. His intention has been to include all pamphlets emanating from party conventions (*of delegates*, not mass conventions) during the period from 1789 to the end of 1832, to a time, that is, when the practice of making presidential nominations through conventions had become fully adopted by the national parties. A few pamphlets published by individuals have also been included, which show the existence of certain conventions that did not themselves publish their proceedings. The capital letters at the end of the titles indicate the presence of copies in the following libraries, respectively: A, the Astor Library; AAS, the library of the American Antiquarian Society at Worcester; B, the Boston Public Library; BA, that of the Boston Athenæum; BU, that of Brown University; C, that of Congress at Washington; E, that of the Essex Institute at Salem; H, that of Harvard University; L, the Lenox Library; M, that of the Massachusetts Historical Society; NYH, that of the New York Historical Society; NYS, that of the State of New York at Albany; PH, that of the Historical Society of Pennsylvania; PL, that of the Library Company of Philadelphia; Y, that of Yale University. The order is chronological. The list is no doubt incomplete and otherwise imperfect. Titles have in many cases been taken into it at second hand from catalogues. But it is thought that it may serve the uses of historical students almost as well as if, after long labors and delays, it were based upon a personal inspection of every pamphlet mentioned. For a considerable part of the details embraced in the list, the compiler is indebted to the members of his seminary, and to the several librarians. Their aid is gratefully acknowledged.]

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Proceedings and Address of the Vermont Republican Convention friendly to the Election of Andrew Jackson to the Next Presidency of the United States, holden at Montpelier, June 27, 1828. Montpelier, 1828. Pp. 24. Y.

An Oration: delivered, by appointment, on the Fourth Day of July, A.D. 1828, in presence of the Convention of Seceding Free Masons, and a vast concourse of their fellow-citizens, at the Presbyterian Church, in the Village of Le Roy, in the County of Genesee, and State of New York. By Solomon Southwick, President of the Convention, and once a Mark Master Mason. Albany, 1828. Pp. 84. AAS, B, BU, H, M, NYS.

Address to the people of Connecticut, adopted at the State Convention held at Middletown, August 7, 1828. With the proceedings of the Convention. Pp. 24. Hartford, 1828. Sabin 15652. C, PH, Y.

Administration Convention of Young Men. Address of the general committee of Republican young men of the city of New-York to the Republican young men of the state of New-York, recommending a state convention to be held at Utica, on Tuesday, Aug. 12, 1828. [n. p. n. d.] NYS.

State Convention. Proceedings and Address of the Republican Young Men of the State of New York, assembled at Utica, on the 12th day of August, 1828. Utica, 1828. Pp. 24. [Another edition, pp. 29.]

Sabin 53714. B, BA, NYS, PL.

Proceedings and Address of the Convention of Young Men in Rockingham Councillor District, held at Epping, September 10, 1828. [n. p. n. d.] Pp. 8. Sabin 65752. BA, H.

Albany Argus, Extra. Tuesday, October 7, 1828. Republican ticket . . . Republican State Convention. . . . Herkimer, . . . Sept. 24, 1828. [No title-page.] Pp. 33-40. NYS.

Proceedings of the Convention of Republican Young Men of the State of New York, friendly to the Election of General Andrew Jackson, to the Presidency; held at Herkimer, Oct. 6, 1828. [*Troy Budget*, Extra.] Pp. 16. Y.

Serious Call, or Masonry Revealed, being an address prepared by the Antimasonic Convention at Woodstock, [Conn.] Boston, 1829. AAS.

Supplement to the *National Observer*, March 4, 1829. Speech of Solomon Southwick, at the opening of the New-York Anti-Masonic State Convention, at the Capitol, in Albany, February 19th, 1829. Containing, 1. A concise statement of every important fact, relating to the Masonic outrages on William Morgan and David C. Miller. 2. A concise statement of every important fact, amounting to a presumptive proof of the murder of William Morgan at or near Fort Niagara. To which is added, The Declaration of Independence, agreed upon and published by the Conven-

tion of Seceding Masons, at Le Roy, on the 4th of July, 1828, with the names of the signers. Albany, 1829. Pp. 16. AAS, B, BU, PH.

Proceedings of a Convention of Delegates, from the different Counties in the State of New-York, opposed to Free-Masonry. Held at the Capitol in the City of Albany, on the 19th, 20th and 21st days of February, 1829. Rochester, 1829. Pp. 40. Sabin 65784. BA, BU, M, NYH, NYS, PH, PL.

Proceedings and Address of the Antimasonic State Convention . . . at Harrisburg, June 25, 1829. Newport, R. I., 1829. Pp. 26. R.I.Hist.Soc.

Moses Thacher, Address before the Anti-masonic Convention [of Plymouth County] at Halifax, Mass., December 9, 1829. Boston, 1830. B, PL.

Address to the People. Anti Masonic State Convention holden at Boston, December 30, 1829. [n. p. n. d.] AAS.

Proceedings of the Anti-Masonic State Convention, in Faneuil Hall, Boston, Dec. 30 and 31, 1829, and Jan. 1, 1830. Boston, 1830. Pp. 32. Sabin 45941. AAS, B, NYS.

An Abstract of the Proceedings of the Anti-Masonic State Convention of Massachusetts, held in Faneuil Hall, Boston, Dec. 30 and 31, 1829, and Jan. 1, 1830. Boston, Jan., 1830. Pp. 32.

Sabin 45548. AAS, B, BA, BU, M, NYH, NYS, PH, PL, Y.

A Brief Report of the Debates in the Anti-Masonic State Convention of the Commonwealth of Massachusetts, held in Faneuil Hall, Boston, December 30, 31, 1829, and January 1, 1830. Boston, 1830. Pp. 48.

Sabin 45659. B, BA, BU, C, M, NYS, PH, PL, Y.

Address of the Convention of National Republicans, at Baltimore, to the Voters of Maryland. [Baltimore, 1830.] Pp. 8. Sabin 45050.

Alabama Anti-Masonic Convention. Proceedings of the adjourned meeting at Cahawba. Selma, Ala., 1830. Proceedings and Address at the meeting in Tuscaloosa Co. Tuscaloosa, 1830. Sabin 556. B.

Proceedings of the Anti-Masonic Convention of the County of Cayuga, held . . . January 1, 1830. With their Address . . . Auburn, 1830. Pp. 21, (1). Sabin 65820. B.

Proceedings of the Anti-masonic State Convention of Connecticut, at Hartford, Feb. 3 and 4, 1830. Hartford, 1830. Sabin 15795. AAS, B, Y.

Clarke (John). Address to the People of Pennsylvania, read to the Anti-Masonic Convention, Feb. 25. Lancaster, 1830. Pp. 34.

Sabin 13427. AAS, B, C.

Proceedings of a Convention of Young Men, of the County of Washington, . . . at Hartford, April 16, 1830. . . . Union Village, N. Y., 1830. Pp. 19. Sabin 65791. B, NYH.

Proceedings of The Anti-Masonic State Convention holden at Montpelier, [Vt.,] June 23, 24, and 25, 1830. With reports, addresses, etc. Middlebury, 1830. Pp. 35. B, BU.

Proceedings of the State Convention at Canton, [Ohio], 21st July. [n. p. 1830.] Sabin 57027. B.

Proceedings of the Anti Masonic Convention for the State of New

York: held at Utica, August 11, 1830. With the Address and Resolutions. Utica, 1830. Pp. 16. Sabin 65819. L, M, NYS, Y.

The Proceedings of the United States Anti-Masonic Convention, held at Philadelphia, Sept. 11, 1830. Embracing the Journal of Proceedings, the Reports, the Debates, and the Address to the People. Philadelphia, New York, Albany, Utica, Ithaca, Hartford, Boston, 1830. Pp. 164.

A, AAS, B, BA, BU, M, NYS, PH, Y.

The Address of the United States Anti-Masonic Convention, held in Philadelphia, September 11, 1830. To the People of the United States. Adopted upon the report of the committee, of which Myron Holley of New York was chairman. Philadelphia, New York, Albany, Utica, Hartford, Boston, 1830. Pp. 22. Sabin 45492. AAS, BU, M, NYS, PH, PL, Y.

Proceedings of the National Republican Convention held at Frankfort, Kentucky, . . . December 9, 1830. [n. p. n. d.] Pp. 19.

Sabin 65895. B.

An Abstract of the Proceedings of the Antimasonic State Convention of Massachusetts, held in Faneuil Hall, Boston, May 19 and 20, 1831. Boston, 1831. Pp. 78. Sabin 45548. AAS, B, BU, CM, NYS, PH, Y.

Proceedings of the Anti-Masonic State Convention, Held at Harrisburg, on the 25th of May, 1831. [Harrisburg, n. d.] Pp. 19. PH.

Proceedings of the Anti Masonic State Convention Holden at Montpelier, [Vt.,] June 15-16, 1831, with Reports, Addresses, etc. Montpelier, 1831. AAS.

Proceedings of the Rhode-Island Anti-Masonic State Convention. September 14, 1831. Providence, 1831. Pp. 31. AAS, B, BU, NYS.

The Proceedings of the Second United States Anti-Masonic Convention, held at Baltimore, September [26], 1831: Journal and Reports, nomination of candidates for president and vice president of the United States, Letters of Acceptance, Resolutions, and the Address to the People. Boston, 1832. Pp. 88. A, AAS, B, BU, L, M, NYS, PH, PL.

Proceedings of a Convention of Republican Antimasonic Delegates, Saratoga County, N. Y., 8th October, 1831; with an Address . . . before the Convention by Hon. John W. Taylor. Ballston Spa, 1831. Pp. 16.

Sabin 65760. B, M.

Journal of the National Republican Convention, which assembled in the City of Baltimore, Dec. 12, 1831, for the Nomination of Candidates to fill the offices of President and Vice President. Published by order of the convention. Washington, [1832.] Pp. 32.

Sabin 36729. A, AAS, B, BA, BU, C, H, M, NYS, PH, Y.

Address, of the Republican Delegates of the State of New York. [New York, 1832.] Pp. 24. L.

Proceedings of the National Republican Convention [of Pennsylvania]. [n. p. 1832.] Pp. 4. Sabin 60421.

Proceedings of the Democratic Antimasonic State Convention, . . . Harrisburg, Feb. 22, 1832. Harrisburg, [1832]. Pp. 16.

Sabin 60411. NYS, PH.

Address of the Committee of Correspondence for . . . Philadelphia, appointed by the Democratic Convention of . . . Pennsylvania, . . . March 5, 1832. [n. p. n. d.] Pp. 8. Sabin 61423.

Proceedings of the Democratic Convention, . . . at Harrisburg, March 5, 1832. Pp. 24. Sabin 60412.

Verhandlungen der Demokratischen Convention, gehalten zu Harrisburg, Pennsylvanien, den 5ten März, 1832. [n. p. 1832.] Pp. 20. Sabin 60763.

Proceedings of the National Republican Convention of Young Men, which assembled in the city of Washington, May 7, 1832. Washington, 1832, Pp. 24. Sabin 65896. AAS, B, BA, C, L, M, NYS, Y.

Summary of the Proceedings of a Convention of Republican Delegates, from the several states in the Union, for the purpose of nominating a candidate for the office of vice-president of the United States; held at Baltimore, in the State of Maryland, May [21-23], 1832: with an Address, to the Republicans of the State of New York, prepared by their delegates, in compliance with the recommendation of said convention. Albany, 1832. Pp. 24. Sabin 36692. A, AAS, BU, NYS.

Kent, and others. An Address to the People of Maryland from their delegates in the late National Republican Convention made in obedience to a resolution of that body. [May 21-23, 1832.] Baltimore, 1832. Pp. 62. Sabin 37479. A, AAS, B, C, NYS, PH, PL.

Proceedings of the National Republican Convention, held at Harrisburg, Pennsylvania, May 29, 1832. Together with the Address and Appendix. Easton, n. d. Pp. 18. PH.

Proceedings of the Jackson and Barbour Convention of North Carolina [June, 1832. Raleigh, 1832.] Pp. 8. A.

Proceedings of the Democratic Republican State Convention, holden at Concord, June 20, 1832. [Published by Order of the Convention.] Concord, 1832. Pp. 10. Y.

Evening Journal, Extra. Antimasonic Republican State Convention, New York. Proceedings, at Utica, June 21, 1832. [Proceedings and Address. No title-page.] Pp. 8. NYS.

An Address delivered before the Members of the Anti-Masonic State Convention; assembled at Augusta, Maine, July 4, 1832. By Moses Thacher, pastor of the church and minister of the Cleaveland Religious Society in North Wrentham, Mass. [Published by vote of the Convention.] Hallowell, 1832. Pp. 32. B, BU, C, NYS, PH, Y.

Antimasonic Republican Convention, of Massachusetts, held at Worcester, Sept. 5th and 6th, 1832. For the nomination of candidates for electors of president and vice president of the United States, and for governor and lt. governor of Massachusetts. Proceedings, Resolutions, and Address to the People. Boston, 1832. Pp. 55. A, AAS, B, BU, M, NYH, NYS, PH, Y.

Daily Advocate — Extra. — Address of the Antimasonic Republican Convention, to the People of Massachusetts. Held at Worcester, Sept. 5th and 6th, 1832. [1832.] Pp. 8. AAS, BU.

Resolutions and Address of the Republican members of the Legislature of the state of New York, 1832. Albany, 1832. Pp. 7. [Calling a convention at Herkimer, Sept. 19, 1832.] NYS.

Albany Argus . . . Extra. Address of the Republican State Convention [assembled at Herkimer, Sept. 19, 1832, to the Jackson Democracy of New York]. Honor and Gratitude to the Man who has filled the measure of his Country's Glory! [Albany, 1832.] Pp. 24. NYS, Y.

Journal of the Proceedings of the National Republican Convention, held at Worcester, October 11, 1832. Published by order of the convention. Boston, 1832. Pp. 75.

Sabin 36741. AAS, B, BA, BU, C, L, M, NYS, PH, PL, Y.

Proceedings of the State Convention of National Republican Young Men, holden at Hartford, on Wednesday, October 17, 1832. Hartford, [1832.] Pp. 16.

Sabin 15794. AAS, BU, Y.

Report of the Committee of the Convention of the Union and State Rights Party, assembled at Columbia [S.C.], December 10, 1832, with their Remonstrance and Protest. [n. p. n. d.] Pp. 8. BA.

2. *Records of New England Towns.*

The following titles were omitted from the list of printed records of New England towns given in our last issue:—

Portsmouth, N. H.—The First Book of the Town Records.

Dedham, Mass.—The Early Records of the Town of Dedham, Massachusetts, 1636–1659. A complete Transcript of Book One of the General Records of the Town, together with the Selectmen's Day Book, covering a portion of the same period, being Volume Three of the printed Records of the Town. Edited by the Town Clerk, Don Gleason Hill. (Dedham, 1892, pp. xvi, 237.)

The Early Records of the Town of Dedham, Massachusetts, 1659–1673. A complete Transcript of the Town Meeting and Selectmen's Records contained in Book Three of the General Records of the Town, together with an Appendix containing Transcripts from the Massachusetts Archives, and from the General Court Records, 1635–1673, and a List of Deputies to the General Court, prior to 1696, being Volume Four of the printed Records of the Town. Edited by the Town Clerk, Don Gleason Hill. (Dedham, 1894, pp. x, 304.)

The Records of the Town Meetings and Abstracts of Births, Marriages, and Deaths in the town of Dedham, Massachusetts, 1887–1896, reprinted from the Annual Town Reports, and furnished with an Index by Don Gleason Hill, Town Clerk. (Dedham, 1896, pp. 700 ca.—Only 50 copies published.)

Rowley, Mass.—The Early Records of the Town of Rowley, Massachusetts, 1639–1672. Being Volume One of the printed Records of the

Town. Printed under the direction of Benjamin P. Mighill, Town Clerk, and George B. Blodgette, A.M. A committee of the town. (Rowley, Mass. 1894. Pp. xv, 255.)

We have received the following communication from Mr. Horace V. Winchell, late Assistant State Geologist of Minnesota : —

“ In the second number of the *AMERICAN HISTORICAL REVIEW*, on page 237, the statement is made by Mr. H. C. Campbell, with reference to Radisson and Groseilliers, that ‘ they were the first white men to reach Lake Superior.’

“ In view of the fact that Jean Nicollet is known to have visited the rapids of Sault Ste. Marie, and to have spent some time resting in camp at that point in 1634, several years prior to the excursion of Radisson and Groseilliers, it seems as though it would be more accurate and less likely to convey an erroneous impression, to say that Radisson and Groseilliers were the first white men to visit and explore Lake Superior ; but that the lake was first reached by Jean Nicollet.

“ It may be urged that Sault Ste. Marie is not Lake Superior, and that it is on St. Mary's River, some distance from Lake Superior. But the fact is, the rapids called the ‘ Sault ’ are immediately at the foot of Whitefish Bay, the eastern extremity of Lake Superior. The rapids are not long, and from their head the broad open lake can be seen. It is altogether likely, in fact it must of necessity be, that there was a portage trail which connected the canoe landings both above and below the rapids on both sides of the river. This trail would not have been more than a mile in length, and was undoubtedly used constantly by the Indians living there, as well as by those who were passing by.

“ Now when it is considered that Nicollet was an indefatigable explorer, that he was on an exploring expedition at this time, and that he remained several weeks at Sault Ste. Marie, it would seem to be next to impossible that he should not have walked up the portage trail, that he did not once see the great lake which his Indian companions must have told him furnished the water for that mighty torrent, nor launch his canoe on the bosom of that newly discovered inland sea.”

To this Mr. Campbell replies in substance, in a letter received too late to be inserted entire, that the assertion that Jean Nicollet visited Lake Superior in 1634 rests solely upon conjecture ; that none of the primary authorities, such as the *Jesuit Relations*, contain any evidence to support it ; and that all the most important secondary authorities agree in disbelieving it.

NOTES AND NEWS

The death of Heinrich Gotthard von Treitschke removes the last (with the exception of Mommsen) of that group of great German historians who, fifteen or twenty years ago, made Berlin the capital of the historical world. Though Treitschke was very far from exemplifying that pure objectivity of treatment which the greatest members of the group inculcated, and will therefore never be placed upon the same level with the chief masters of history, his talent and power were such as to win him extraordinary influence and repute. Treitschke was born at Dresden on September 15, 1834, and died on April 28, 1896. After obtaining the doctorate at Leipzig in 1858, he taught political economy for some time in the academy of rural economy at Lutzschena. In 1863 he was called to a professorship at Freiburg-im-Breisgau, which, however, he characteristically abandoned in 1866, when Baden sided with Austria against Prussia. Filled with zeal for German unity, he went to Berlin, and became editor of the *Preussische Jahrbücher*. After some years' service at Heidelberg, — 1867–1874, — he, in the latter year, obtained the chair at Berlin which he has since held, and from which, as a teacher of modern German history imbued with Prussian sentiments, he exerted so great an influence upon young Germany. In spite of deafness and imperfect articulation, he was one of the most successful lecturers in the university. He had many of the best gifts of the orator, as was evinced not only before academic audiences, but in the Reichstag, of which he was a member from 1871 to 1888, at first as a National Liberal and later as a Conservative. But his gifts of research and presentation were at the service of vehement, though honest and manly, prejudices, and his teaching bred chauvinism as well as patriotism and the love of national unity. The same qualities marked and marred his books. The chief of them, his *Deutsche Geschichte im neunzehnten Jahrhundert*, of which five volumes have been published, 1879–1890, though brilliant and instructive in a high degree, cannot be read with equanimity by any one not German, can hardly be so read by any one not Prussian. Treitschke's minor writings include a collection of essays, *Historische und Politische Aufsätze*, of which, beginning with 1870, several editions have been published; *Der Socialismus und seine Gönner*, 1875; and *Zehn Jahre Deutscher Kämpfe*, published in the same year.

Professor Dr. Friedrich Heinrich Geffcken, who died at Munich on the first of May, was born in Hamburg in 1830. From 1854 to 1869 he was in the diplomatic service of the Hanse Towns; from 1872 to 1882, pro-

fessor of public law at Strassburg. He was more prominently connected with the study of political science and international law than with that of history, but published in the latter field one highly important work, *Staat und Kirche in ihrem Verhältniss geschichtlich entwickelt*, Berlin, 1875, which has been translated into English; and minor works on the *coup d'état* of 1851 and on the Crimean War. In September, 1888, he caused the publication in the *Deutsche Rundschau* of extracts from the diary of the Emperor Frederick in 1870-1871, for which he was imprisoned upon an accusation for high treason, but finally acquitted.

Victor Krause, of Berlin, who had been especially devoted to the Carolingian period, and edited a portion of the capitularies for the *Monumenta Germaniæ Historica*, died at Falkenstein, on March 9, aged thirty.

Dr. William H. Palmer, of Richmond, Va., an admirable antiquarian, who edited the earlier portion of the *Calendar of Virginia State Papers*, died on March 3, aged seventy-five.

Under the title, *Alte und neue Richtungen in der Geschichtswissenschaft* (Berlin, R. Gaertner, pp. 79), Professor Karl Lamprecht publishes two suggestive essays: I. "Ueber geschichtliche Auffassung und geschichtliche Methode"; II. "Ranke's Ideenlehre und die Jungrankianer."

The *Revue Internationale des Archives, des Bibliothèques et des Musées*, I. 4 (Archives, No. 2), contains an article upon Sybel as an archivist, an account of the Spanish archives, by Señor Rafael Altamira, and briefer articles upon the new examining board for the Prussian archives, on the proposed organization of the Italian archives, on those of Rumania, and on the new regulations in those of the Austrian ministry of the interior, and at the Vatican.

Dr. Max Heimbucher has published in the *Wissenschaftliche Handbibliothek* the first volume of an extensive treatise on *Die Orden und Kongregationen der katholischen Kirche* (Paderborn, Schöningh, 583 pp.).

ANCIENT HISTORY.

Messrs. Williams and Norgate publish the second volume of Kittel's *History of the Hebrews*, translated by the Rev. H. W. Hogg and the Rev. E. B. Speirs, under the immediate supervision of Professor Cheyne of Oxford.

A student's *History of Rome* has been published by Messrs. Longmans, Green and Co. The authors are Walter W. How, M.A., Fellow and Lecturer of Merton College, Oxford, and Henry D. Leigh, M.A., Fellow and Tutor of Corpus Christi College, Oxford.

A full and official account of the discoveries in the lake of Nemi may now be read in *Notizie degli Scavi* for October, 1895 (by F. Barnabei). See, also, G. Tommassetti, *Le Scoperte nel Lago di Nemi* (Nuova Antologia, December 1).

Noteworthy articles in periodicals: W. M. Flinders Petrie, *Egypt and Israel* (Contemporary Review, May); J. Gennadius, *Modern Archaeology: Recent Excavations in Greece* (Forum, May); F. Moreau, *Les Finances de la Royauté Homérique* (Revue des Études Grecques, XXXI.); J. B. Bury, *The History of the Names Hellas, Hellenes* (Journal of Hellenic Studies, XV. 2); J. B. Jevons, *Work and Wages in Athens* (Journal of Hellenic Studies, XV. 2); Tomaschek, *Die alten Thraken* (Sitzungsberichte der phil.-hist. Classe der k. Akad. der Wissenschaften in Wien, cxxx, cxxxi); J. Kromayer, *Kleine Forschungen zur Geschichte des zweiten Triumvirats* (Hermes, — XXXI. 1); H. F. Pelham, *The Emperor Claudius and the Chiefs of the Ædui* (Classical Review, IX. 9); M. A. Roger, *Chronologie du Règne de Postumus* (Revue Historique, May).

MEDIÆVAL HISTORY.

The fifth volume of the English translation of Hefele's *History of the Councils of the Church* covers the period from 626 to the close of the Second Council of Nicæa in 787. It is understood that this is the final volume of the English translation.

It is understood that M. A. Giry intends to publish an extensive collection of the charters and documents of the Carolingian period.

In the series of *Translations and Reprints from the Original Sources of European History*, published by the historical department of the University of Pennsylvania, Vol. III., No. 2 consists of *Statistical Documents of the Middle Ages*, edited by Professor Roland P. Falkner. The documents translated include certain articles from the capitulary *De Villis* of Charlemagne, and an inventory of one of his estates; the instructions for the collection of the returns embraced in Domesday, and an extract from the survey itself; statistics of military forces in Germany in 1422; and accounts of the resources of Venice and other powers at about the same date.

Noteworthy articles in periodicals: J. G. C. Anderson, *The Campaign of Basil I. against the Paulicians* (Classical Review, April); Ellen M. Clerke, *Wanderings of Early Irish Saints on the Continent* (Dublin Review, April).

MODERN EUROPEAN HISTORY.

Dr. Richard Ehrenberg has published the first volume of a work called *Das Zeitalter der Fugger*. The first volume is entitled *Die Geldmächte des 16. Jahrhunderts* (Jena, G. Fischer, 420 pp.).

The late Mr. C. A. Fyffe's *History of Modern Europe (1792-1878)*, originally published in three volumes, has now been issued by Messrs. Henry Holt and Co., in a single volume (pp. xxiv, 1088), with such slight revisions, at the hands of Mrs. Fyffe, as she found to have been indicated by him as desirable.

Noteworthy articles in periodicals: Rev. T. B. Scannell, *Alexander VI.* (Dublin Review, April); J. Klaczko, *Rome et la Renaissance: Le Jeu de ce Monde, 1509-1512* (Revue des Deux Mondes, April 1); W. J. Onahan, *Scotland's Service to France* (American Catholic Quarterly Review, April); Kienast, *Friedrich II. und Ungarn* (Mittheilungen des k. k. Kriegsarchivs, IX.); K. Adam, *Kulturgeschichtliche Streifzüge durch das Jahr 1848-49, I.* (Zeitschrift für Kulturgeschichte, III. 4, 5); P. de la Gorce, *Napoléon III. et les Annexions Italiennes en 1859 et 1860* (Le Correspondant, March 10); M. G. Giacometti, *La Question de l'Annexion de Nice en 1860* (Revue des Deux Mondes, March 1).

GREAT BRITAIN AND IRELAND.

The recent historical publications of the English government include the first volume of the second series of the *Index of Chancery Proceedings*, extending from 1558 to 1579; the thirteenth volume (1622-1625) of the *Register of the Privy Council of Scotland*, edited by Professor David Masson; the second volume of "Border Papers," *Calendar of Letters and Papers relating to the Affairs of the Borders of England and Scotland* (1595-1603), edited by J. Bain; two volumes of the *Calendar of the Patent Rolls* (1334-1338 and 1377-1381); Vol. XI. (1578-1580) of the *Acts of the Privy Council of England*, edited by J. R. Dasent; Vol. XV. (1523-1529) of the *Rotuli Scaccarii Regum Scotorum*, edited by G. P. McNeill; and a volume (January 1598-March 1599) of the *Calendar of State Papers relating to Ireland*.

In the forty-sixth volume of the *Dictionary of National Biography*, the articles of most importance and interest to historical students are those on Cardinal Reginald Pole by Mr. James Gairdner, on Pope by Mr. Leslie Stephen, on Priestley by Alexander Gordon and P. J. Hartog, and on Prynne by Mr. C. H. Firth. American readers will also feel a special interest in Mr. W. P. Courtney's article on Governor Thomas Pownall, and in that of Mr. J. M. Rigg on Lord Camden. The volume extends from Pocock to Puckering.

The announcements of the Clarendon Press include Mr. C. Plummer's critical edition of Bede in two volumes, with introduction and notes; Bale's *Index Britanniae Scriptorum*, edited by Mr. R. L. Poole; the seventh and eighth volumes of the late Professor Thorold Rogers' *History of Agriculture and Prices*; and the first two volumes of a new edition of Bishop Burnet's *History of My Own Time*, edited by Mr. Osmund Airy.

A new and enlarged edition of Mr. Walter Rye's *Records and Record Searching* is announced by George Allen of London.

The trustees of the British Museum have begun the publication of a folio series of fac-similes of autographs in their possession, royal, historical, literary, and other.

Messrs. Sampson Low, Marston and Co. have in preparation, under the general editorship of Mr. W. Laird Clowes, an exhaustive *History of the British Navy* from the earliest times down to the present day. It is the work of the best-known naval writers both of England and of America, and will be very fully illustrated with portraits, plans, copies of contemporary pictures, fac-similes of documents, etc. The first volume, consisting of between five and six hundred pages, will bring the record down to about the reign of Elizabeth; later periods are being dealt with at considerably greater length.

The first part of Professor J. B. Thayer's *Law of Evidence* will be published about August 1 by Little, Brown and Co., in their Students' Series. It will contain his valuable papers on the older modes of trial and the development of the jury, which were published in the *Harvard Law Review*. These papers have been carefully revised, and much new matter has been added.

Messrs. Swan Sonnenschein and Co. announce the publication of the second volume of the inedited works of Richard Rolle of Hampole, edited from the manuscripts by Dr. Carl Horstmann, of Berlin.

Professor W. J. Ashley's *English Economic History*, Part I., has been translated into German by Robert Oppenheim, under the title *Englische Wirtschaftsgeschichte; eine Einleitung in die Entwicklung von Wirtschaftsleben und Wirtschaftslehre. I. Das Mittelalter* (Leipzig, Duncker und Humblot).

The Surtees Society has begun the publication (in its ninety-third volume) of *Extracts from the Records of the Merchant-Adventurers of Newcastle-upon-Tyne* (Durham, Andrews, pp. lii, 315).

The ninth volume of the *Camden Miscellany*, recently published by the Camden Society, contains a highly important collection of letters from Elizabeth's bishops to the Privy Council, written in 1564 in reply to questions asked by that body; and valuable new material relating to Strafford.

Attention should be called to Mr. W. A. Shaw's *Select Tracts and Documents Illustrative of English Monetary History, 1626 to 1730* (London, C. Wilson, 1895, pp. 260).

The fifth volume of *Social England*, edited by Mr. H. D. Traill, is expected to appear this summer. It will cover the period from the accession of George I. to the battle of Waterloo.

Under authority of the Secretary of State for India it is proposed to publish *in extenso* the early records of the East India Company, contained in the series of volumes known as the "O. C." Records. Messrs. Sampson Low, Marston and Co., publishers to the India Office, are receiving subscribers' names for the first series of ten volumes, to be issued half-yearly. The first volume, it is hoped, will be ready by the end of May, and will have an introduction by Mr. F. C. Danvers, Registrar and Superintendent

of Records at the India Office. The title given to the series is *Letters from the East, or India Office "O. C." Records; being Original Correspondence from India, with Collateral Documents, originating at any places between England and Japan, 1603 to 1708.*

Messrs. Longmans, Green and Co. announce an *Analytical Index to Sir John W. Kaye's "History of the Sepoy War,"* and to Colonel G. B. Malleeson's *"History of the Indian Mutiny."*

Noteworthy articles in periodicals: W. Stokes, *Les Annales de Tigernach* (Revue Celtique, October, January); L. Duchesne, *L'Historia Britonum* (*ibid.*, January); *The History of English Law before the Time of Edward I.* (Edinburgh Review, April); C. S. Taylor, *The Pre-Domesday Hide of Gloucestershire* (Transactions of the Bristol and Gloucestershire Archaeological Society, XVIII. 2); Sir F. Pollock, *A Brief Survey of Domesday* (English Historical Review, April); F. Liebermann, *Magister Vacarius* (English Historical Review, April); F. W. Maitland, *A Song on the Death of Simon de Montfort* (English Historical Review, April); F. W. Maitland, *Wyclif on English and Roman Law* (Law Quarterly Review, January); Sir W. W. Hunter, *A Forgotten Oxford Movement, 1681* (Fortnightly Review, May); W. A. Steel, *William Paterson* (English Historical Review, April); Hon. G. Peel, *Sir Robert Peel* (Nineteenth Century, April).

FRANCE

The Abbé Féret, in the third volume of his *Histoire de la Faculté de Théologie de Paris*, treats of the history of the university in the fourteenth century: the colleges founded, the teachers, the discussions of the period, and the voluminous writings of the various doctors.

M. G. Saige, archivist of the principality of Monaco, has published from his archives a series of documents of much importance for the history of Lower Normandy from 1165 to 1329, and relating to a family interesting to English readers, namely, the *Cartulaire de la Seigneurie de Fontenay-le-Marmion* (Monaco, 1895, pp. 231).

An important and highly original work on the French finances of the thirteenth century is that of Colonel Borrelli de Serres, entitled *Recherches sur divers Services Publics . . . au XIII^e Siècle* (Paris, Picard, 1895, pp. 612).

M. G. Lefèvre-Pontalis is preparing an extensive work on the English invasion of France in the fifteenth century.

M. Dreyfus-Brisach has lately brought out an edition of the *Contrat Social* (Paris, Alcan), with notes and other critical apparatus more extensive than in any previous edition.

Documentary material of great importance for the history of the Revolution is contained in the *Recueil de Documents relatifs à la Convocation des États Généraux de 1789*, of which M. A. Brette has published the

first volume in the *Collection des Documents inédits relatifs à l'Histoire de France*; and in the *Registre des Délibérations du Consulat Provisoire*, which M. Aulard has edited for the Société de l'Histoire de la Révolution Française.

The memoirs of General Lejeune, reviewed upon another page of this journal, have been translated into English by Mrs. Arthur Bell, and published by Messrs. Longmans, Green and Co.; Messrs. Macmillan and Co. publish a translation, by Albert D. Vandam, of Viscount Élie de Gontaut-Biron's *Mission to Berlin, 1871 to 1877*.

The archive-division of the ministry of foreign affairs has issued a third volume of its inventories in the series *Mémoires et Documents*, extending the inventory of the Fonds de France and the Fonds Divers from 1814 to 1830. In February, a fire at the war-office archives destroyed a great part of the reports of commissaries under the First Empire.

Noteworthy articles in periodicals: P. Imbart de la Tour, *Les Paroisses Rurales dans l'ancienne France, du IV^e au XI^e Siècle*, II. (*Revue Historique*, May); Th. Bouquillon, *The University of Paris*, III. (*Catholic University Bulletin*, January); Comte M. de Germiny, *Blanche de Castille, Reine de France* (*Revue des Questions Historiques*, April); J. Viard, *La France sous Philippe VI. de Valois* (*Revue des Questions Historiques*, April); J. Lemoine, *Du Guesclin à Jersey* (*Revue Historique*, May); Abbé Tauzin, *Louis XI. et la Gascogne* (*Revue des Questions Historiques*, April); Comte d'Haussonville, *La Duchesse de Bourgogne et l'Alliance Savoyarde sous Louis XIV.*, I. (*Revue des Deux Mondes*, April 15); M. Lenz, *Die Französische Revolution und die Kirche* (*Cosmopolis*, February); George Duruy, *Le Régime Directorial d'après des Documents Inédits* (*Revue des Deux Mondes*, March 15); *Le 18 Fructidor—Fragment des Mémoires Inédits de Barras* (*Revue des Deux Mondes*, April 1); G. Duruy, *Barras et le 18 Brumaire* (*Revue de Paris*, March 15); L. Lecestre, *La Guerre de la Péninsule (1807-1813), d'après la Correspondance Inédite de Napoléon I^{er}* (*Revue des Questions Historiques*, April); Earl Cowper, *Memoirs of the Duc de Persigny* (*Nineteenth Century*, April).

ITALY, SPAIN, PORTUGAL

From the beginning of the present year, the *Rivista Storica Italiana* has taken on a new character. It prints no more body-articles, but only reviews, etc. It will appear every other month, and at a lower price than heretofore.

An important work on the archives of Italy is being prepared by G. Mazzatinti. It is expected to present an account of the printed or manuscript inventories of all the collections of archives in the kingdom, and detailed statements respecting those collections that have not yet been indexed.

Messrs. J. M. Battaglini and J. Calligaris are issuing (Turin, Bocca) a chronological index to the *Antiquitates Italica Medii Ævi* and minor works of Muratori.

In the *Archivio della R. Società Romana di Storia Patria* for 1895, Fasc. I.-IV., among the leading contents are continuations of P. Savignoni's elaborate account of the historical archives of the commune of Viterbo, and of L. G. Péllissier's documents relative to the alliance of Alexander VI. and Louis XII. (1498 to 1499). Still more interesting and of great importance is the diary of Marcello Alberini (1521-1536), a document of the first order for the history of the sack of Rome and other events of the time. It is edited by Domenico Orano, who supplies an extensive historical introduction.

Count Ugo Balzani, in a little pamphlet reprinted from the transactions of the Accademia dei Lincei (*Di alcuni Documenti dell' Archivio del Santo Uffizio di Roma*), gives an interesting account, based on manuscript volumes of the Inquisition which have strayed to the library of Trinity College, Dublin, of the curious agitations raised, in spite of the lapse of a century, when in 1722 the body of Fra Paolo Sarpi was discovered at Venice, in large part undecayed.

The April number of the *Revista Crítica de Historia y Literatura Españolas*, etc., contains a list, with brief abstracts, of all articles relating to Spanish history that have appeared in the *Archivio Storico per le Provincie Napoletane* from its foundation, in 1876, to the present time.

There has been established at Madrid, under the editorial care of Sr. José Ramon Mélida, a journal called *Boletín de Archivos, Bibliotecas y Museos*.

The leading publications in Spanish history issued in 1893, 1894, and 1895 are reviewed by Konrad Häbler in the *Historische Zeitschrift*, LXXVI. 3.

GERMANY, AUSTRIA, SWITZERLAND.

The fourth congress of German historical scholars will be held at Innsbruck, September 11-14. An anthropological exhibition for northern Bavaria will be maintained this summer at Nuremberg.

The first *Lieferung* of *Regesta Imperii XI.: Die Urkunden Kaiser Sigmunds (1410-1437)*, edited by Wilhelm Altmann, has appeared (Innsbruck, Wagner).

Messrs. Kegan Paul, Trench, Trübner and Co. have begun the publication of a translation of Janssen's *Geschichte des deutschen Volkes*, by M. A. Mitchell and A. M. Christie.

In the section of the Berlin Academy's *Acta Borussica* dedicated to the history of Prussian administration, W. Naudé has brought out the introductory volume of a series on the Prussian corn-laws: *Die Getreide-*

handelspolitik der europäischen Staaten vom 13. bis zum 18. Jahrhundert, als Einleitung in die preussische Getreidehandelspolitik (Berlin, Parey, pp. xvi, 443).

The four hundredth anniversary of Melanchthon's birth will be celebrated on February 16, 1897, at his birthplace, Brettin in Baden. The foundation of a Melanchthon Museum on the site of the house in which he was born is contemplated.

Professor Th. Kolde has printed, in a single handy volume, the Augsburg Confession in Latin and German, with notes, and with five appendices containing the Marburg, Schwabach, and Torgau articles, the *Confutatio Pontificia*, and the *Augustana* of 1540 (*Die Augsburger Konfession*, etc., Gotha, F. A. Perthes, pp. 224).

Volume LXIV. of the *Publikationen aus den königl. preussischen Staatsarchiven* is a special volume of Pomeranian history by Archivist Dr. Max Bär, *Die Politik Pommerns während des dreissigjährigen Krieges* (Leipzig, S. Hirzel, pp. xi, 503).

The recent historical literature of Bohemia is reviewed by J. Goll in the May number of the *Revue Historique*.

A lavishly illustrated history of the Austrian army, from the year 1700 to 1867, is announced by Emil Berté and Co. and S. Czeiger of Vienna for publication in twenty-five parts. The parts will each contain from three to four sheets of letter-press, and four or five fac-similes of the water-color illustrations, beside numerous engravings in the text, and will appear at intervals of two or three months.

Dr. Gaspard Wirz, after prolonged researches in Italian archives, especially those of the Vatican, has published an important series of documents concerning the relations between Switzerland and the Papacy in the earlier part of the sixteenth century, *Akten über die diplomatischen Beziehungen der römischen Curie zu der Schweiz, 1512-1552*. It forms Vol. XVI. of the *Quellen zur Schweizer Geschichte* (Basel, Geering, 1895, pp. li, 534).

Noteworthy articles in periodicals: Schäfer, *Die Beurtheilung Heinrich's des Löwen* (*Historische Zeitschrift*, LXXVI. 3); F. W. E. Roth, *Zur Geschichte der Meistersänger zu Mainz und Nürnberg* (*Zeitschrift für Kulturgeschichte*, III. 4, 5); K. Jany, *Lehndienst und Landfolge unter dem grossen Kurfürsten* (*Forschungen zur Brandenb. und Preuss. Geschichte*, VIII. 2); O. Hintze, *Preussische Reformbestrebungen vor 1806* (*Historische Zeitschrift*, LXXVI. 3); P. Matter, *Le Sonderbund* (*Annales de l'École Libre des Sciences Politiques*, — January); H. Grimm, *Heinrich von Treitschke und seine deutsche Geschichte* (*Deutsche Rundschau*, January).

NETHERLANDS AND BELGIUM.

The Dutch government has made a grant for researches in the French archives with reference to Dutch history. M. Gédéon Huet, of Paris, will

first make, under the direction of Professors R. Fruin and P. J. Blok, a provisional list of diplomatic documents relating to Dutch history to be found in Parisian archives.

The Queen-Regent of the Netherlands has ordered the erection, in the palace park of the Hague, of a building, constructed after the most approved modern devices, to contain the archives of the family of Orange-Nassau. It is expected to be open to the public by the end of the year 1897.

The historical society of Utrecht has published the accounts of the ancient gilds of Dordrecht (1438-1600), with an introduction by Mr. Overvoorde, and the most ancient accounts of the city of Groningen, edited by Professor P. J. Blok.

An important chapter in the history of early printing will be elucidated by a work announced by Mr. E. W. Moes, Assistant Librarian of the University of Amsterdam, entitled *De Amsterdamsche Boekdrukkers en Uitgevers in de Zestiende Eeuw*.

The municipal council of Rotterdam have published, under the editorial care of Messrs. Unger and Bezemer, archivists of the city, the second volume of their great documentary collection, *Bronnen voor de Geschiedenis van Rotterdam*. It contains chronicles of the sixteenth and seventeenth centuries, annotated, and accompanied by an atlas of plans of the city during those two centuries.

Mr. Fockema-Andree, of Leiden, has brought out a new and admirably annotated edition (Leiden, Brill) of the classic *Inleiding tot de Hollandsche Regtsgeleerdheid* of Hugo Grotius.

A new half-volume of the *Fontes Rerum Austriacarum*, XLVIII. 1 in the series *Diplomata et Acta*, contains the letters of the Archduchess Marie Christine, regent of the Netherlands, to Leopold II. (Vienna, C. Gerold's Sohn, pp. cxxi, 360), with an introductory essay by the editor, Dr. Hanns Schlitter, on the policy of that emperor toward France.

Noteworthy articles in periodicals: G. Edmundson, *The Dutch Power in Brazil*. I. *The Struggle for Bahia, 1624-1627* (English Historical Review, April): E. Wertheimer, *Un projet de Divorce entre Louis Bonaparte et la Reine Hortense* (Revue Historique, May).

NORTHERN AND EASTERN EUROPE

Mr. Ludvig Wimmer, who has been for many years occupied with the study of the Danish runic inscriptions, and has, it seems, personally visited, in company with an artist, all that are known, 224 in number, has now brought out, as the result of his researches, the first volume of a monumental illustrated collection entitled *De Danske Runemindesmarker* (Copenhagen, Gyldendal, 1895). This volume covers the inscriptions dealing with historical persons and events.

The recent historical literature of Denmark is reviewed by J. Steenstrup in the *Revue Historique* for May. The most important books commented upon (and with high praise) are: J. A. Fredericia, *Adelsvældens sidste Dage* (1648-1660); A. D. Jørgensen, *Peter Schumacher Griffenfeld*; E. Holm, *Danmark-Norges Historie under Kristian VI.* (1730-1746); and M. Rubin, *Frederik VI.'s Tid* (1814-1839); also, in a different field, Finnur Jonsson, *Den Oldnorske og Oldislandske Litteraturs Historie*, Vol. I., which expresses views quite opposed to those made familiar by Professor Sophus Bugge.

Under the title *Svenska Skriftprof* Messrs. Emil Hildebrand, Alg. Boertzell, and H. Wieselgren have begun the publication of a collection of specimens of Swedish manuscript. The first number is devoted chiefly to the Middle Ages, and includes documents, mostly drawn from the archives of the kingdom, from the period of St. Eric to modern times.

The St. Petersburg Academy of Sciences intends to begin issuing a publication presenting the most important unprinted documents from the archives respecting the history of Russia in the sixteenth, seventeenth, and eighteenth centuries. The series will form a supplement to those of the acts of the Muscovite government and the decisions of the Senate already published.

M. G. Schybergson's history of Finland, translated from the Swedish into German, has begun to appear in the Heeren and Ukert series, *Geschichte der europäischen Staaten* (Gotha, F. A. Perthes, Abth. I., pp. xxiv, 663).

Mr. Xenopol, professor at Jassy, has published a history of Rumania in two volumes, *Histoire des Roumains de la Dacie trajane* (Paris, E. Leroux), drawn from his more extensive, and standard, *Istoria Romanilor*. Volume I. extends from B.C. 513 to A.D. 1633; Vol. II. from the latter date to the union of Moldavia and Wallachia in 1859.

Under the auspices of the ministry of public instruction in the kingdom of Rumania, N. Jorga has just published the first volume of a series entitled *Actes et Fragments relatifs à l'Histoire des Roumains, rassemblés dans les Dépôts de Manuscrits de l'Occident*, gathered chiefly in Paris and Berlin (Bucharest, 1895, pp. lxii, 400).

AMERICA.

A meeting at Washington, on April 24, organized a Southern History Association, the objects of which are: the encouragement of original research, discussion, conference among members, the widening of personal acquaintance, the collection of historical materials, and publication of results. Hon. W. L. Wilson, postmaster-general, was chosen president of the new Association. The vice-presidents are Dr. J. L. M. Curry, Gen. M. C. Butler, Gen. Marcus J. Wright, Hon. John R. Procter, Mr. Thomas Nelson Page, and Prof. Woodrow Wilson. The secretary is Dr. Colyer Meriwether, and the treasurer Mr. Thomas M. Owen.

The Scotch-Irish Society held its annual congress at Harrisburg, Penn., May 6-8.

The *Proceedings of the American Antiquarian Society*, Vol. X., Part II., contain the transactions of the meeting of October 23, 1895. Dr. Egbert C. Smyth contributed an interesting paper on Some Early Writings of Jonathan Edwards. There are two bibliographical papers: that by Mr. Nathaniel Paine, the separate issue of which is reviewed elsewhere in these pages, and one by Dr. Justin Winsor on the Literature of Witchcraft in New England. Dr. Philipp J. J. Valentini contributes an analysis of the pictorial text inscribed on two Palenque tablets, and Mr. Edward H. Thompson a paper on the Ancient Tombs of Palenque. The number also contains remarks of Senator C. K. Davis on the newer northwestern states, and of Mr. C. F. Adams on the battle of Bunker Hill.

The second volume of Mr. E. J. Payne's *History of the New World called America* may be expected from the Clarendon Press this spring.

It is now expected that the admirable edition of the *Jesuit Relations*, proposed by Messrs. Burrows Brothers, will begin to appear in August. The series will consist of about sixty volumes. Seven hundred and fifty sets will be printed. We have already described the undertaking. The editor, Mr. Reuben G. Thwaites, will furnish an introduction containing a summary of the labors of the Jesuit missionaries in New France, and an account of the Relations themselves, their bibliography, and their historical value. Each volume will have its own bibliographical matter, and lives of the respective Fathers. An elaborate index will be provided. The publication will embrace, with translations and notes, not only the matter of the Cramoisy, Shea, and O'Callaghan volumes, but all other important cognate documentary materials.

One of the most useful of recent government publications is the new *Check-List of Congressional Documents from the First to the Fifty-third Congress and various Miscellaneous Publications of the U. S. Government Departments* (Washington, Government Printing Office, pp. 222).

The first volume of the messages, addresses, and proclamations of the Presidents, compiled under authority of Congress by Representative Richardson of Tennessee, may be expected shortly. The work will embrace all annual, special, and veto messages, inaugural addresses, and proclamations of the Presidents from the beginning of the government down to the close of the present administration. A certain portion will consist of material hitherto unpublished; for the Senate has recently removed the injunction of secrecy from all executive messages since the end of Johnson's term, in order that Mr. Richardson might have access to them. The first volume will include the administrations of Washington, Adams, Jefferson, and Madison.

Messrs. G. P. Putnam's Sons have begun the issue of a new edition, in four volumes, of the collection of *American Orations*, originally edited by

the late Professor Alexander Johnston. The new edition is edited and annotated by Professor James A. Woodburn, of Indiana University. In the first volume, which has now appeared, Madison's speech on the adoption of the Constitution in the Virginia Convention is, with good reason, substituted for that of Patrick Henry. Other additions consist of Otis's speech on the Writs of Assistance, and speeches of Samuel Adams, Gallatin, and Benton. The revised edition is intended to be purely a collection of specimens of political oratory. Biographical and historical notes and references are added.

The latest issue (No. 65) in the series of *Old South Leaflets* consists of Washington's fourteen letters to the various religious bodies which congratulated him upon his election. They furnish an interesting evidence of his breadth of view in religious matters, and of his liberal spirit toward Roman Catholics, Jews, Quakers, Baptists, etc.

The present year's series of *Johns Hopkins University Studies in Historical and Political Science* has opened with the following numbers: Henry E. Chambers, *The Constitutional History of Hawaii*; Thaddeus P. Thomas, *The City Government of Baltimore*; F. L. Riley, *The Colonial Origins of New England Senates*; John S. Bassett, *Slavery and Servitude in the Colony of North Carolina, 1663 to 1865*. The next forthcoming numbers will be by J. A. C. Chandler, on *Representation in Virginia*; and by F. R. Jones, on the *History of Taxation in Connecticut, 1636 to 1776*.

The third volume of M. Auguste Moireau's *Histoire des États-Unis*, covering the period from 1800 to 1829, is ready for the printer, and may be expected to be issued some time this year.

Messrs. G. P. Putnam's Sons, who have published in uniform series the modern editions of the writings of Hamilton, Franklin, Washington, Jay, Jefferson, and Rufus King, announce that the series will be continued by the publication of the writings of James Monroe, in four volumes, edited by Mr. S. M. Hamilton, who has for some years had charge of the historical manuscripts in the Department of State at Washington. The first volume is expected to be ready early in 1897.

George P. Humphrey, Rochester, N. Y., has reprinted the scarce *History of the American Troops, during the Late War, under the Command of Colonels Fenton and Campbell, giving an account of the crossing of the Lake from Erie to Long Point; also, the crossing of Niagara by the troops under Generals Gaines, Brown, Scott, and Porter; the taking of Fort Erie, the battle of Chippewa, the imprisonment of Colonel Bull, Major Galloway, and the author (then a captain), and their treatment; together with an historical account of the Canadas*, printed in 1830 in Baltimore, by the author, Samuel White, of Adams County, Pennsylvania. The edition is limited to three hundred copies.

The annual report of the treasurer of the Massachusetts Historical Society indicates the possession by that society of property amounting to nearly \$300,000. About half of this consists of real estate.

The town of Dedham, Mass., has voted an appropriation with which to publish a fifth volume of its ancient records, edited by Mr. Don Gleason Hill, and covering the period from 1673 to 1700.

At the close of last year, the Board of Estimate and Apportionment in the government of New York City appropriated \$7000 for the printing of the Dutch records of New Amsterdam. At a meeting of the Board of City Record on May 7, the Counsel to the Corporation was directed to enter into a contract with the Knickerbocker Press for the publication of a translation of these records in seven volumes, including one volume of index. Two hundred sets will be printed for the city, and probably a hundred more for public sale. The work of the publication will be done mainly under the supervision of a committee appointed by the mayor, some months ago, for the purpose, and including General James Grant Wilson, General Isaac Townsend Smith, and Messrs. Willis L. Stone, Edward F. deLancey, and Charles Burr Todd. It seems to us that the edition might well be larger, and that, unless the translation is made better than most American official translations, accurate scholars will find great reason to regret that the Dutch text is not printed with it.

A movement is on foot for persuading the common council of Brooklyn to engage upon an extensive search for materials for the history of Brooklyn from 1623 to 1780. It is proposed that the search be made in Albany, Washington, London, Amsterdam, and elsewhere.

The April number of the *Virginia Magazine of History and Biography* is, as usual, chiefly made up of documents for the history of the seventeenth century. Chief among these are the Defence of Colonel Edward Hill and the Letters of William Fitzhugh, both continued, and the beginning of a series of Decisions of the Virginia General Court, taken from the late Conway Robinson's transcripts of the original records of the Court; the records have perished since Mr. Robinson made his excerpts.

The Society of the Colonial Dames of America in the State of Virginia propose to publish in a limited edition a complete and exact copy of the parish register of Christ Church Parish, Middlesex County, Virginia. The volume extends from 1663 to 1767, and is to be furnished with a complete index. Subscriptions are to be sent to Mrs. Lucy C. Trent, 205 East Main Street, Richmond.

The April number of the *William and Mary College Quarterly* is largely given up to a reprint of the records of the Phi Beta Kappa Society from its foundation in 1776 to the British invasion of 1781, with illustrative matter by President Lyon G. Tyler.

The Great Bridge Chapter (Norfolk, Va.) of the Daughters of the American Revolution have provided the Virginia Historical Society with money to be expended in copying the first volume of the records of Lower Norfolk County, now kept at Portsmouth. The manuscript copy is to be kept among the archives of the Virginia Historical Society.

In the *Lower Norfolk County, Virginia, Antiquary*, No. 1, part 3, published by Mr. Edward W. James, the most interesting matters are a list of slave owners in Princess Anne County in 1810, a series of documents respecting the history of the Church in Lower Norfolk County from 1637 to 1640, and a collection of lists of books derived from the inventories of the oldest wills in that county.

The Filson Club of Louisville has issued, as the eleventh of its Publications, a history of the once famous Transylvania University, by the late Dr. Robert Peter and his daughter, Miss Johanna Peter, *Transylvania University: its Origin, Rise, Decline, and Fall* (Louisville, John P. Morton and Co., 202 pp.), an interesting and worthy memorial of an ancient and influential institution.

The *American Historical Magazine* (Nashville, Tenn.) for April contains an article on the so-called Mero District; an unpublished account of the capture of Aaron Burr, by the captor, Major Nicholas Perkins, with accompanying documents; and a continuation of the important and interesting correspondence of General James Robertson.

The third issue in the series of the Parkman Club Publications is an interesting account of the Chevalier Henry de Tonty, by Mr. Henry E. Legler; the fourth, The Aborigines of the Northwest, by Mr. Frank T. Terry; the fifth, an account of Jonathan Carver, by Mr. J. G. Gregory.

In the April number of the *Annals of Iowa*, the two chief articles are one by Hon. M. M. Ham, on The First White Man in Iowa (Julien Dubuque), and one by Charles Aldrich, on the late General Ed Wright.

Noteworthy articles in periodicals: Comte L. Rioult de Neuville, *La Colonisation du Canada* (Revue des Questions Historiques, April); H. M. Jenkins, *The Family of William Penn*, I. (Pennsylvania Magazine of History, April); *Leaves from the Journal of Dr. Ezra Stiles, 1776* (New England Magazine, May); W. C. Ford, *Defences of Philadelphia in 1777* (Pennsylvania Magazine of History, April); W. S. Baker, *Washington after the Revolution, 1784-1799* (*ibid.*, April).

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COLUMBIA COLLEGE IN THE CITY OF NEW YORK at the present time consists of the **School of Arts**, the original college, founded in 1754; of sundry professional schools, to wit: the **School of Law**, the **College of Physicians and Surgeons**, and the **School of Mines**, admission to all of which, as candidates for professional degrees, is open to all students whether or not they are college-bred men; and of the **University Faculties of Law, Medicine, Mines (Applied Science), Political Science, Philosophy and Pure Science**, which conduct all courses leading to University degrees of **Master of Arts** and **Doctor of Philosophy**.

The point of contact between the college and the university is the senior year in the School of Arts, during which year students in the School of Arts pursue their studies, with the consent of the Faculty of Arts, under one or more of the University Faculties.

The various schools are under the charge of their own faculties, and for the better conduct of the strictly university work, as well as of the whole institution, a university council has been established.

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